

FAIR DEBT QUESTIONNAIRE

- Please complete a **separate “Fair Debt Questionnaire” for each debt collection company** you are complaining against or inquiring about. Please include any and all contact you had with any and all individual collectors from that one company, but please do not include in any one form any information about any other collector. In other words, your answers must pertain to one single debt collection company and cannot speak to multiple companies.
- Please be as detailed as possible.
- Keep a log of all collection contacts such as phone calls, letters, etc. If a collector calls, take notes as to name, time, date and the substance of the conversation.
- If you have caller id, take a digital picture or pictures from your camera phone from the telephone calls made by the debt collectors. This will ensure that we have proof of the telephone calls. (Telephone bills may serve this purpose as well).
- Save all written correspondence to and from the collectors, including the envelopes. This ensures that we have proof of the communications you sent and the communications they sent to you, especially those occurring after written communication from you or us.

Thank you taking the time to complete this questionnaire. It should take only 7-10 minutes to complete. If you have any questions whatsoever, please call us TOLL FREE at 1-877-885-5366. When this questionnaire is completed, please return it by fax to 1-877-566-8828 or by email to jessica@shainfeld-anvar.com.

CLIENT CONTACT INFORMATION

Full Name	
Home Phone	
Work Phone	
Cellular Phone	
Mailing Address	
Email Address	

Please provide at least two telephone numbers and please double check all contact information.

**Thank you for your time. If you have any questions, please feel free to call the attorneys at Shainfeld & Anvar, PC, My Consumer Law Center,
TOLL FREE 1-877-885-5366**

**WHEN THIS FORM IS COMPLETE, PLEASE FAX IT TO
1-877-566-8828 OR EMAIL IT TO jessica@shainfeld-anvar.com**

Do you think your fair debt rights are being violated by an abusive debt collector?

State and federal fair debt laws prevent debt collectors from using harassing, misleading, dishonest or unfair debt collection practices. These laws provide that victims of debt collector abuse can **recover cash compensation from the collectors, and require the collectors to pay all your legal fees.**

Would you like to learn more about how to sue a creditor or debt collector that has violated your fair debt rights **at no cost to you?**

- Yes
- No

Yes, please answer the following questions:

Name of Collector:*

- Is a debt collector contacting you about a debt you don't owe? Is a debt collector contacting other people about your debt?

Your 15 USC §1692b rights may be violated!

- Is a debt collector contacting other people (friends, family, co-workers, neighbors and/or others) about your debt?
- Are you being contacted about a debt that belongs to someone else?
- Is a debt collector demanding you pay for a debt you don't owe?

Are they:

- Calling you?
- Sending you letters?

You don't owe a debt because:

- It has already been paid.
- They have the wrong person.

- Is a debt collector calling you and being very annoying?

Yes: Your 15 USC §1692c right may be violated!

Are they:

- Still calling you after you verbally asked them to stop?
- Calling you at work?
- Calling you repeatedly?

- Have you received an average of more than 2 collection calls per day?
- Have you ever received more than 4 collection calls in a single day?
- Do you receive an average of more than 10 collection calls per week?
- Have you received more than 20 collection calls within the last month?

- Calling you before 8am or after 9pm?
- Calling you after you asked them in writing to stop calling entirely?
- Calling you on your cell phone?
- Calling you at other unusual or inconvenient places or times?

Describe: _____

- Is a debt collector harassing, abusing or oppressing you?

Yes: Your 15 USC §1692d rights may be violated!

Are they:

- Threatening or implying that they will use violence or other criminal means to collect from you?
- Using obscene, profane, abusive, harassing or otherwise offensive language directed at you?
- Constantly calling you, engaging you in repeated telephone conversations or leaving voice mail messages?
- Calling you, but the caller won't tell you their name or the name of they company they work for?

- Is a debt collector using false, deceptive or misleading tactics against you?

Yes: Your 15 USC 1692e rights may be violated!

Are they:

- Falsely representing they are connected to the government or a credit reporting agency?
- Misrepresenting the amount of your debt?
- Misrepresenting who owns your debt?
- Misrepresenting the age of your debt (for example, telling you that your debt is not past the statute of limitations when you think it is)?
- Pretending to be or implying that they are an attorney, when they are not?
- Telling you that you have committed a crime by being in debt, that you will be arrested because of your debt or that charges will be pressed against you because of your debt?
- Threatening to sue you, garnish you, or telling you that your property or money will be taken because of your debt?
- Reporting false or incorrect information on your credit report?
- They didn't tell you, during at least one phone call (or on at least one voice mail) that the call was from a debt collector to collect a debt.
- Calling their company by a different name or abbreviation than what it really is?
- Sending you papers that look like legal documents, but you think they aren't?
- Telling you documents they sent aren't legal papers, but they are (or you think they are)?
- Using other false, deceptive or misleading tactics that aren't on this list?

Please describe:

- Is a debt collector using unfair collection methods against you?

Yes? Your 15 USC§1692F rights may be violated!

They are (select all that apply):

- Causing you to incur charges or expenses by deceiving you (For example, collect telephone calls)?
- Telling you they can take your property or take money from your bank accounts without first taking you to court?
- Threatening to take your social security, disability, child support or other exempt funds?
- Sending you post cards, or using words or graphics on an envelope that makes it easy to tell that they are a debt collector?

- Have you received collection letters?

Yes? Your 15 USC§1692G rights may be violated!

- The letter said you had to dispute the debt in writing within 30 days or they would assume the debt was valid.
- The letter threatened you with a lawsuit, garnishment and/or that a lien would be made against your home or other property.
- The letter demanded payment from you immediately or in 30 days or less.
- The letter offered you a settlement that would expire in less than 30 days.
- The letter said that since you had not responded to their other letters you are irresponsible, dishonest, dishonorable, trying to be evasive and/or other offensive language.
- The letter failed to identify the creditor or said that the original creditor is someone or a business that you know is not the original creditor.
- The letter said your balance was a certain amount and you have documents which prove that amount is incorrect.
- The letter was from a law firm, but they told you the circumstances of your account had not been reviewed by an attorney.
- The letter does not say that they are a debt collector or that it's a communication from debt collector.

- Are you being sued by a debt collector?

Yes? Your 15 USC§1692(i) rights may be violated!

Does the lawsuit against you involve your "real property" (Your house or other land you own)

- Yes No

Do you live in the county where your are being sued?

- Yes No

Did you sign a contract with the creditor in the county where you are being sued?

- Yes No

- Is a debt collector calling you or sending you letters about someone else's debt?
- Is a debt collector calling you or sending you letters about a debt that you think is past the Statute of Limitations?
- Do you have saved voicemail messages from a debt collector on your cell phone, home answering machine, or your voicemail account at work?
- Do you have pictures of your caller ID of calls from a debt collector?
- Have you paid money to a debt collector?
- Have you been charged a 'convenience fee' or other fee for taking a payment? (For example, a 'phone processing fee.')
 - Has a debt collector taken an amount from you (such as interest, fees, charges, or any other expenses) that was not part of your agreement with the original creditor, or that you think may be prohibited by law?
 - Has a debt collector deposited a post-dated check or took an electronic debit payment from you, without notifying you between three and ten business days beforehand that it would be processed?
 - Has a debt collector deposited a post-dated check or took an electronic debit payment from you before the date you agreed that the payment would be processed?
- Have you received collection calls to your cell phone?
- Have your wages or bank account been taken or garnished without prior notice?

Additional Services

- Would you like to learn how to reduce and settle your debts for less than you owe?
- Would you like to learn how a lawyer can help you with a debt collection lawsuit or to stop a wage garnishment?
- Would you like to learn how to lower your mortgage payment or set up a short sale?
- Would you like to learn how to correct mistakes on your credit report?

Other comments:

Additional Information

I answer the above questions of my own free will, based upon the best of my recollection, information, belief, and not for purposes of harassment or any other ill motive.

By: _____ **Date:** _____

(Sign name)

(Print name)

COLLECTION COMMUNICATIONS LOG

1. After every call you receive, enter the below information into the proper box. Keep copies of this log by every phone you receive collection calls on. Make your notes as detailed as possible. If you receive any written correspondence, enter it into this log as well.
2. Keep detailed records of everything. For example, if you get a voice mail, save it. If you have called ID, take pictures of the caller ID screen. If you receive anything in the mail from a collector, save it, including the envelope! Don't throw anything away! Use as many lines or pages of this log as necessary.
3. Make notes as to what the collector said, the amount the demanded, any threats, foul language or harassment. Also note if they spoke to or contacted anyone other than yourself, including family, friends, and co-workers.
4. Give copies of this log to everyone the collector has contacted.

Date of Call or Message. Enter month, day & Year.	Time of Call or Message.	Length of call or message.	Type of Contact (Phone Call, Voice Mail, Letter).	Collector's Name and Collection Company name	Collection Agency Telephone Number.	What did the Collector say? And who did the collector speak to? BE DETAILED!!!!
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