



# COLLECTIONS HANDBOOK

*“Promoting Justice, Hope, Dignity and Self-Sufficiency through quality legal aid for those who have nowhere else to turn.”*

Legal Aid of Nebraska  
legalaidofnebraska.org  
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## LEGAL AID OF NEBRASKA

This Collections Handbook was developed by Legal Aid of Nebraska, a private, non-profit law firm that provides legal services to low-income Nebraskans. If you would like more information about Legal Aid of Nebraska, or if you would like to make a donation, please visit our website at [legalaidofnebraska.org](http://legalaidofnebraska.org).

If you would like to apply for services please call:

- **AccessLine® at 1-877-250-2016**  
Monday & Wednesday 9 a.m. – 11 a.m.. CST  
Tuesday & Thursday 1:30 p.m. – 3:30 p.m. CST
- **Elder AccessLine® at 1-800-527-7249** for people over age 60  
Monday – Thursday 9 a.m. to 12 p.m. & 1 p.m. to 3 p.m. CST  
Friday 9 a.m. to 12 p.m. CST
- **Native American AccessLine® at 1-800-729-9908**  
Monday – Friday 9 a.m. – 12 p.m. CST
- **Beginning Farmer & Rancher Development Program Hotline at 1-855-660-1391**  
Monday – Friday 8 a.m. to 5 p.m. CST
- **Rural Response Hotline at 1-800-464-0258**  
Monday – Friday 8 a.m. to 5 p.m. CST
- **Nebraska Immigration Legal Assistance Hotline (NILAH) at 1-855-307-6730**  
Monday & Wednesday 9 a.m. to 11 a.m., 12:30 p.m. to 3:30 p.m. CST  
Tuesday & Thursday 9 a.m. to 12 p.m., 1:30 p.m. to 3:30 p.m. CST  
Friday 9 a.m. to 12 p.m. CST
- **Disaster Relief Hotline at 844-268-5627**  
For victims of a recent disaster, such as tornado, flood or train derailment  
Monday – Thursday 9 a.m. to 12 p.m. & 1 p.m. to 3 p.m. CST  
Friday 9 a.m. to 12 p.m. CST
- **Legal Assistance for People with Developmental Disabilities 844-535-3533**  
Monday – Thursday 9 a.m. to 12 p.m. & 1 p.m. to 3 p.m. CST  
Friday 9 a.m. to 12 p.m. CST

You have the option of applying online for services. The online application is available 24/7 on our website at [legalaidofnebraska.org](http://legalaidofnebraska.org).

Note: there is currently no online application available for Nebraska Immigration Legal Assistance Hotline (NILAH).

**Please see the “Where To Go For Help If You Cannot Afford A Lawyer” at the back of this Handbook for resources if you cannot afford a lawyer.**

## **IMPORTANT DISCLAIMER**

Use of this informational Collections Handbook is not intended to and does not create an attorney-client relationship between you and Legal Aid of Nebraska’s attorneys. The information provided to you through this Handbook is intended for educational purposes only. Nothing in this Handbook should be considered legal advice or as a substitute for legal advice.

Please understand that the information contained in this Handbook is based upon generally applicable law. Some laws and procedures may vary. If you want legal advice about your specific issue you must consult an attorney.

The purpose of this Handbook is to help you with the difficulty you may be having with debt problems. You may be receiving collection phone calls, collection letters, or notices that you have been sued. This can be confusing and frightening.

In this Handbook, we will tell you about your rights and about the rights of your creditors. We will tell you about how you can get a fresh start if you can't solve your financial problems in other ways.

We have tried to explain things so that you can help yourself. However, if you are being sued, you will be dealing with a confusing legal system. If you are not sure how to handle things yourself, see a lawyer (the sooner the better). It may cost you, but might save you money and problems in the long run. Please see the “Where To Go For Help If You Cannot Afford A Lawyer” at the back of this Handbook for resources if you cannot afford a lawyer.

## **I. IMPORTANT TERMS**

### **DEBTOR**

Any time you owe someone money, you are a debtor. This means every time you use a credit card, you are a debtor. Every time you sign loan papers, you are a debtor. When you go to the doctor and ask that the charges be billed, you are a debtor. You are a debtor when you owe someone for things or services you received.

## **CREDITOR**

The person you owe money to is your creditor. This might be the bank, a loan company, a utility company, your doctor, a relative, or a department store.

## **COLLECTION AGENCY**

If you do not pay the money you owe, your creditor may hire a special company, called a “collection agency”, to collect the money from you. Your creditor gives the collection agency the right to collect the money you owe. In exchange, the collection agency keeps part of the money they get from you. Whenever we talk about what a creditor can do to collect money from you or to take your property, we are also talking about what a collection agency can do.

## **DEFAULT**

When you do not pay your bills, or you miss a payment, you are in default. In other words, you have not lived up to your agreement with the creditor to pay. Once you are in default, your creditor has the right to try to collect from you.

## **TYPES OF DEBT**

The two most common consumer debts are: secured and unsecured.

### **Secured Debt**

With secured debt you sign a contract that gives the creditor collateral (security) for the debt. Often the collateral is the property that is the purpose for the loan. Some examples of secured debt are house payments, car payments or furniture payments.

The contract you sign is called a security agreement. If you default on the loan this contract allows the creditor to take or “repossess” the property that you gave as collateral. For example, if you have a car loan and your car is collateral (security) for the loan, and you stop making your car payments (default), your creditor can take (repossess) your car.

### **Unsecured Debt**

With unsecured debt, the debtor does not promise collateral (security) for the debt. Examples of unsecured debt are credit card debt, medical bills or utility bills and paycheck advance loans.

If the debt is unsecured, the creditor must sue you in court and win a judgment before trying to take any of your income or property.

## **JOINT DEBT & MARITAL DEBT**

Joint debt is debt that you share with another person, like a bank account or a credit card. Joint debt is also debt that you have “co-signed.” If you have joint debt you are fully responsible for all of the debt.

A husband and wife have joint debts even if the debts are not in both of their names. In a divorce decree the debts of a marriage may be divided between you and your spouse, but this does not take your name off of the debt. The creditor can still try to collect from both the husband and wife. Contact a lawyer if the creditor is trying to collect a debt from you that your spouse was ordered to pay in the divorce. Also contact a lawyer if you hear that your spouse is filing bankruptcy.

## **II. DEBT COLLECTION**

### **A. CREDITORS ARE CALLING**

A creditor will first call or write asking for the money you owe. The first calls and letters are usually friendly reminders that you forgot to pay. If you still do not pay, the calls and letters begin to demand payment.

The best time to work with your creditors is before they start demanding payment. Carefully look at your budget and see if you can afford to make some payment to the creditor. You should always pay necessities of life, like food, rent and medicine, first. If you want help making a budget to try and pay your debts, contact [Consumer Credit Counseling Services of Nebraska](http://www.cccsn.org/) at 1-877-494-2227 or visit their website at <http://www.cccsn.org/>, or contact other consumer credit counseling agencies. For information about how to choose a credit counselor, see "[Fiscal Fitness, Choosing a Credit Counselor](http://www.ftc.gov/bcp/edu/pubs/consumer/credit/cre26.pdf)", a publication by the Federal Trade Commission, at, <http://www.ftc.gov/bcp/edu/pubs/consumer/credit/cre26.pdf>.

### **Creditors and Debt Collectors**

Your creditor may hire a debt collector to collect the debt from you. Not all creditors will hire a debt collector, some will go straight to a lawyer to sue you. A debt collector is someone who regularly collects debts owed to others, like collection agencies and collection attorneys.

A debt collector may demand the whole amount due from you, but they may agree to take installment payments. Get any agreement in writing. Make sure the agreement says that the debt collector will not sue you if you make the installment payments. If you are sending the debt

collector a little money each month, they may still sue you unless you have a written agreement.

The Fair Debt Collection Practices Act is a federal law with rules about how debt collectors can collect personal, family and household debts. These rules do not apply to the original creditor. These rules do apply to debt collectors.

### **A Debt Collector CANNOT:**

- Send you to jail
- Threaten you, curse at you or lie to you
- Call you at work if you tell them your boss will not let you take personal calls
- Write or call you if you have an attorney handling your case
- Call you early in the morning or late at night
- Talk to your friends or family (other than your spouse) about your debt except for one contact to find out your address, phone number and where you work

### **You may dispute the debt**

Within five days after you are first contacted, the debt collector must send you a written notice telling you the amount of money you owe, the name of the creditor you owe and what action to take if you believe you do not owe the money. If you do not think you owe the debt you should send a letter to dispute the debt. (Use Sample Letter A in Section V. How to Stop a Debt Collector from Contacting You.) You must send the letter within thirty days after you receive the notice from the debt collector.

### **You can make debt collectors stop calling you**

Debt collectors cannot call you at all if you write a letter telling them to stop contacting you. (Use Sample Letter B in Section V. How to Stop a Debt Collector from Contacting You.) After you write the letter they may only call you once to tell you they will no longer contact you, or to tell you that the debt collector or the creditor intends to take some specific action.

Your debt will not go away if the creditor stops calling you. You will still owe the money and can be sued in court.

### **You can complain about a debt collector**

You can report any problems you have with a debt collector to the Nebraska Attorney General's Office and the Federal Trade Commission. The [Nebraska Attorney General's Office](#) can help you determine your rights. The Nebraska Attorney General's number is 1-800-727-6432 and their website address is <http://www.ago.state.ne.us/>.

To file a complaint with the Federal Trade Commission or to get free information on consumer issues, visit [www.ftc.gov](http://www.ftc.gov) or call toll-free, 1-877-382-4357; TTY: 1-866-653-4261.

If you think a debt collector has violated the rules of The Fair Debt Collection Practices Act you may be able to sue the debt collector and get damages. You should contact an attorney about this.

## **B. WHAT CAN A SECURED CREDITOR DO TO COLLECT A DEBT?**

Secured debts are easier for the creditor to collect if you do not pay them. The creditor can take the property that you put up as collateral for the loan and sell it. This is called repossession.

The secured creditor does not need permission from a court to repossess the property that is collateral for the debt. As long as the secured creditor can take the collateral without disturbing the peace, they are free to do so. The secured creditor cannot break into your house or garage to take the property. You do not have to give the secured creditor permission to come on to your property.

The secured creditor can sell the property they repossess. But first the secured creditor has to give you notice of the sale. Your property will probably sell for less than what you owe. Then you will still owe the secured creditor the difference. The difference between the amount of the debt and the amount recovered from the sale is called a deficiency. The deficiency becomes an unsecured debt. The creditor can then try to collect the deficiency just like any other unsecured debt.

## **C. WHAT CAN AN UNSECURED CREDITOR DO TO COLLECT A DEBT?**

It is harder for a creditor to collect an unsecured debt. The creditor must file a lawsuit against you in court, and win a judgment against you before it can try to get their money back from you.

### **1. File a Lawsuit In Court**

#### **Do not ignore papers from the Court!**

- The creditor must sue you in court by filing a complaint that tells the court why you owe the creditor money.
- The creditor must have you served with a copy of a summons and the complaint so that you know about the lawsuit.
- After you receive the summons and complaint, you have 30 days to file a written response to the creditor's claim.
- A written response is also known as an answer. You file the answer with the court. In the

answer, you say whether or not you agree you owe them money.

- If you do not file an answer by the due date, the creditor can get a judgment against you without going through a trial. The creditor wins automatically. This is called a “default judgment”.
- You should file an answer if you have a legal reason why you do not owe the debt. This is called a “defense”. You should speak to an attorney about whether or not you have a defense. A defense can be that they are suing the wrong person, or you have already paid the debt, or the merchandise was defective or they waited too long to sue you. If you are not sure you owe the debt you should speak with an attorney about whether you have a defense. Filing an answer when you do not have a defense will only increase the amount of the judgment that the creditor will win.

Once you file an answer you should get notice about all hearings in your case. If you file an answer you should always go to any hearings in your case.

## **2. Use the Court to Collect a Judgment**

A creditor who has a judgment against you is called a judgment creditor. A judgment creditor can use different ways to collect on that judgment through the court. When a creditor tries to collect the judgment through the court you will get paperwork telling you what you have to do to defend yourself. Read it carefully and get help from a lawyer, if possible

Here are the ways a judgment creditor can try to collect its money and how you can protect yourself:

- **Try To Force a Sale of Your Home**

A judgment creditor can place a lien against your home and ask the sheriff to sell your home to pay the judgment. You will know this has happened because the Sheriff will serve you with a Writ of Execution on your home. You should not ignore a judgment creditor's attempt to take home. You should immediately contact a lawyer. You have a limited amount of time to try to stop the sale of your home.

With help from a lawyer you can stop the sale of your home if the equity in your home is not more than \$60,000 and you qualify for the Nebraska homestead exemption. (Equity is the difference between what the home is worth and what you owe on it. For example, if your home is worth \$50,000 and you owe \$40,000 on the mortgage, your equity would be \$10,000.)

**The Homestead Exemption:** Did you ever live in the home as a married person? Or, did you ever live in the home with your minor children? Or, are you 65 years of age or older? If you

answered yes to one of those questions then you should qualify for the homestead exemption. Other persons may also qualify for the homestead exemption. You should check with a lawyer to see if you qualify for the homestead exemption.

Even if you qualify for the homestead exemption you cannot use it to stop your mortgage lender from foreclosing on your home.

- **Try to Force a Sale of Your Personal Property**

Judgment creditors can try to force a sale of your personal property to pay any judgment. You will know this has happened because the Sheriff will serve you with a Writ of Execution on your personal property. You should not ignore a judgment creditor's attempt to take property. You should immediately contact a lawyer.

A creditor who has a judgment against you cannot take everything you own. There are laws in Nebraska that make some personal property exempt. A creditor who has a judgment cannot take property that the law says is exempt. These exemptions cannot be used to stop secured creditors from repossessing their collateral. The exemptions only apply to unsecured debt.

Nebraska law exempts:

1. your immediate personal possessions, like a wedding ring or family photos;
2. your clothing;
3. up to \$3,000 in household furnishings, goods, computers, appliances, books;
4. up to \$5,000 of tools and equipment you use for your own support;
5. vehicle up to \$5,000;
6. Earned Income Tax Credit;
7. up to \$5000 in other personal property. Personal property is all property except land and buildings.

All of these exemptions must be claimed in court. You must file a form in court called a "claim of exemption" and request a hearing. You only have twenty days after you are served with the Writ of Execution to file the claim the exemption form.

If your personal property is exempt the judgment creditor cannot take your personal property.

- **Bank Account Garnishment**

If your creditor knows where you bank at, it may ask the Court to send a garnishment order to the bank and freeze the money in your bank account. Garnishment is the legal way that a

creditor tries to take property that belongs to you but is not in your possession. In this case, the creditor is trying to get the bank to turn over the money in your bank account. You should not ignore a judgment creditor's attempt to garnish your bank account. You should immediately contact a lawyer.

If a judgment creditor garnishes your bank account **YOU MUST ACT FAST!** The creditor is supposed to send you notice of the garnishment by certified mail. The law gives you only three (3) business days after you receive the notice of garnishment by certified mail to ask for a court hearing. Call your bank immediately and find out how much money was in your bank account when it was garnished.

### **Can I stop the creditor from taking the money in my bank account that was garnished?**

Sometimes. Creditors who have judgments against you cannot take everything you own. Some money in a bank account is exempt (which means it is protected) under federal or state law and cannot be taken by the creditor to pay the judgment.

Money in your bank account that comes from one of these benefits is exempt and cannot be taken by a creditor:

- Social Security Retirement Benefits
- Social Security Disability Benefits
- Supplemental Security Income Benefits
- Veterans benefits
- Railroad Retirement Benefits
- Black Lung Benefits
- Unemployment Benefits (so long as it is not mixed with other money)
- Welfare Benefits
- Student Loans or Grants

If any of the money in your bank account does not come from one of the benefits in that list it may still be exempt. Nebraska law exempts up to \$5,000 in personal property. You can use this law to protect money in a bank account that does not come from one of the benefits on the list. To claim this exemption you have to file an inventory of all of your personal property to show that you do not own more property than the law allows you to keep.

- **Wage Garnishment**

Judgment creditors can also garnish your wages. If a judgment creditor knows where you work, the creditor can ask the Court to send a garnishment order to your employer asking how much you make, the hours you work, when you are paid, etc.

If you are an employee (not an independent contractor) and make less than \$217.50 per week

after taxes, nothing will go to your creditor. If you are the head of a family the garnishment is based on 15% of your wages. (You are the head of a family if you support at least one other family member.) If you are not the head of a family the garnishment is based on 25% of your wages. You always get to keep the first \$217.50 per week after taxes.

For example: You are owed \$250 after taxes for a week of wages. You are head of a family. Your employer will figure  $\$250 - \$217.50 = \$32.50$ . The employer will then figure 15% of  $\$250 = \$37.50$ . The judgment creditor will get \$32.50 of your wages for that week.

You may need to object to the garnishment if you are head of a family. You can use the form from the court to request a hearing to have your garnishment based on 15% of your wages. There is no timeframe to request a hearing on a wage garnishment.

The only way to stop a wage garnishment is to pay the judgment or file for bankruptcy.

If you are an independent contractor (not an employee) then the creditor can try to garnish all of your employment income. Some or all of the income you earn as an independent contractor may be exempt. Contact a lawyer immediately if your employment income is garnished.

- **Order You to Appear in Court For A Debtor's Examination**

Judgment creditors can get a court order for you to appear in court to answer questions about your income and assets. This is called a "debtor's exam." The purpose of the debtor's exam is for the creditor to find out what kind of income and assets you have that could be used to pay the judgment. You will receive a court order that tells you to go to a court hearing. It may be called an Order In Aid of Execution. You should go to the debtor's exam. **If you do not show up to the debtor's exam, the judge could enter a warrant for your arrest.** You may be put under oath. The creditor has the right to ask you questions about your bank accounts, your assets and your income and other questions about your finances. You must answer the questions truthfully. The creditor may try to get you to agree to a payment plan. You do not have to do this. You should not agree to do anything you don't want to do. Your only obligation is to show up and answer the questions truthfully. Listen to the questions and answer only what is asked of you.

### III. BANKRUPTCY

- The filing of a bankruptcy should always be your last choice.
- Bankruptcy can stay on your credit history for up to 10 years.
- You can only file Chapter 7 bankruptcy every 8 years.

The filing of a bankruptcy is intended to give you a fresh start. The timing of the filing is very important. You want to make sure that you do not wind up in the same position again. However, if you have tried to work out payments and you know there is no way you will be able to pay off your debts, bankruptcy may be right for you.

One question you should ask yourself is: If I don't file a bankruptcy what can a judgment creditor take from me? If the answer to this question is that creditors cannot take anything from, you then filing a bankruptcy at this time may not be in your best interest.

### IV. PROTECTING YOUR CREDIT

Filing bankruptcy and not paying your debts on time can seriously hurt your credit score. There are many things you can do to start rebuilding your credit score. There are also things you can do to protect your credit. If you guard your credit, you can ensure a strong financial future for yourself and family.

#### **Fraud**

One way to protect your credit score is to protect against fraud. Anyone can become a victim of identity theft. Here are some tips to help you protect yourself:

1. **Don't give out personal information.** Be suspicious of anyone you don't know who wants your Social Security number, credit card number, bank account number, password or other personal information.
2. **Don't be intimidated.** Be suspicious of callers who want you to immediately provide or verify personal information.
3. **Review your bank statements and credit card statements.** Look at your monthly statements for any suspicious activity and report it immediately.
4. **Use a shredder.** Don't throw in the trash any papers with personal information, like bank statements, credit offers, and insurance information. Instead use a shredder or tear up the papers before you throw them away.

If you think you are a victim of fraud, contact the police, close your accounts, and contact one of the three credit bureaus to place a fraud alert in your credit file. You can go to [www.annualcreditreport.com](http://www.annualcreditreport.com), or call 1-877-322-8228, to find out how to place a fraud alert in your file. You can also call the Nebraska Attorney General Consumer Protection line at 1-800-727-6432 for more advice.

### **Dealing With Debt**

Another way to protect your credit score is to avoid certain kinds of debt.

**Avoid High Cost Debt.** Payday loans and tax refund loans are both high cost ways to borrow money. A payday loan can have an annual interest rate as high as 390%. A tax refund loan can carry an annual interest rate as high as 774%. Avoid both of these loans by asking for more time to pay a bill or trying to get a small loan from your bank.

If you default on a pay day loan, it is not the same as writing a “bad check”. You cannot be charged with a crime. The payday loan is an unsecured debt. The payday lender will have to sue you in court to collect the money.

**Beware Debt Consolidation.** Some loan companies try to get people to borrow money to “consolidate their bills.” This means that the loan company pays off all the individual bills you owe. You make one payment a month to the loan company. Think this over carefully before you do it. Debt consolidation can turn out to be a mistake. You may be borrowing money at a higher interest rate. You may be paying interest on debt that had no interest (like doctor bills). The consolidation loan may turn unsecured debt into secured debt if you use your house as collateral for the loan.

**Debt Repayment Plans.** Counseling services are available to help people budget money and pay bills. The counseling service may help you negotiate lower payments with your creditors and then make the payments for you using money you send them each month. A typical fee to set up a debt management plan is around \$10. Be suspicious if the fee is much larger.

Consider talking to Consumer Credit Counseling Service or another credit counseling agency. They may be able to help you work out a payment plan that both you and your creditors can live with.

### **CREDIT REPORTS AND CREDIT SCORES**

A credit report contains information on where you work and live, how you pay your bills and whether you have been sued, arrested or filed for bankruptcy.

You can obtain a free credit report once a year from Annual Credit Report Services. You can request your credit report in writing, over the telephone, or by internet. The name, address,

telephone number and web address are as follows:

Annual Credit Report Request Service  
P.O. Box 105281  
Atlanta, GA 30348-5281  
1-877-322-8228  
<https://www.annualcreditreport.com/cra/index>

### **How to rebuild your credit score**

The information in your credit report determines your FICO score. A FICO score is generally between 300 and 850. The higher your FICO score the easier it is to get credit and rent an apartment. Your FICO score is available **for a fee** from [www.myfico.com](http://www.myfico.com).

To raise your score:

- Pay all your bills on time.
- Keep low balances on your credit cards.
- Don't take out a new credit card to try an improve your score because it probably wont help.

There is no "quick fix" for a bad credit score. If the information on your credit report is accurate, but your credit score is low, only time, hard work and a debt repayment plan will raise your credit score.

### **Fixing Problems**

The Federal Trade Commission does not recommend that you pay someone to fix your credit. Very often the claims made by a credit repair service are scams. If you have lost money in a credit repair scam you should file a complaint with the Nebraska Attorney General's Consumer Protection Division: 1-800-727-6432.

You can work to fix your own credit problems by getting a free copy of your credit report and disputing incorrect information.

A credit report should not:

- contain negative information older than 7 years or
- contain bankruptcy information older than 10 years.

## V. HOW TO STOP A DEBT COLLECTOR FROM CONTACTING YOU

### 1. Who is calling or writing to you regarding the debt?

Federal law (the Fair Debt Collection Practices Act) prohibits a debt collector from harassing you to collect a debt. A debt collector is someone who regularly collects debts owed to others, like collection agencies and collection attorneys. The credit card department at a bank or a car dealership or retail store is not considered a debt collector under the federal law. Likewise, the information below may not apply to people contacting you about debts that you owe to them personally.

### 2. What should you do if you don't think you owe the debt?

A debt collector has to send you a written "validation notice" within five days after they first contact you. The "validation notice" must tell you how much money you owe, the name of the creditor and what to do if you don't think you owe the money. If you believe that you do not owe anything at all on the debt, you may send the creditor written notice that you dispute the debt. You can use the form of letter in SAMPLE A. Make a copy of your letter. Send the original by certified mail, return receipt so you will have proof that the debt collector received the letter.

This notice must be sent within thirty (30) days after you receive the "validation notice". The debt collector can start contacting you again if it sends you written verification of the debt, like a copy of a bill for the amount you owe.

### 3. How can you stop a debt collector from contacting you?

If you want a debt collector to stop contacting you about a debt you can send a letter. You can use the form of letter in SAMPLE LETTER B. Make a copy of your letter. Send the original by certified mail, return receipt so you will have proof that the debt collector received the letter.

Once the debt collector receives your letter it may not contact you except to tell you there will be no further contact or to tell you that they, or the original creditor, intend to take some specific action.

If you have been sued, you should seek legal advice regarding the lawsuit. The SAMPLE LETTER B does not stop the creditor or debt collector from filing a lawsuit

LE LETTER A

Date \_\_\_\_\_

\_\_\_\_\_  
(Name of Debt Collector)

\_\_\_\_\_  
(Address of Debt Collector)

\_\_\_\_\_  
(City, State, Zip Code of Debt Collector)

Dear Sir or Madam:

I am writing you pursuant to the Fair Debt Collection Practices Act (“FDCPA”) regarding the debt to \_\_\_\_\_, Account Number \_\_\_\_\_. I do not think I owe this debt.

I dispute the validity of the debt you are attempting to collect. The FDCPA gives me the right to obtain verification of a disputed debt from a debt collector.

I demand verification of the debt you are attempting to collect from me by sending to me the following information:

1. an explanation of the nature of the debt-who I owe and for what;
2. a copy of any contracts or documents that are the basis for the debt you are attempting to collect;
3. the outstanding balance allegedly due on the disputed debt; and
4. an accounting of how the outstanding balance was computed.

You are required by law to cease any further collection of the disputed debt until you provide verification of the disputed in accordance with the FDCPA.

Sincerely,

\_\_\_\_\_  
Your Name

SAMPLE LETTER B

Date \_\_\_\_\_

\_\_\_\_\_  
(Name of Debt Collector)

\_\_\_\_\_  
(Address of Debt Collector)

\_\_\_\_\_  
(City, State, Zip Code of Debt Collector)

Dear Sir or Madam:

I am writing you pursuant to the Fair Debt Collection Practices Act (“FDCPA”) regarding the debt to \_\_\_\_\_, Account Number \_\_\_\_\_.

I am writing to ask that you stop contacting me.

This letter is not meant in any way to be an acknowledgement that I owe this money.

Sincerely,

\_\_\_\_\_  
Your Name

## **WHERE TO GO FOR HELP IF YOU CANNOT AFFORD A LAWYER**

You may not be able to afford to pay a lawyer to represent you. If so, you may be able to get free help or you may be able to represent yourself in court. Some resources are:

### **LOW-INCOME LEGAL SERVICES**

#### **LEGAL AID OF NEBRASKA** [legalaidofnebraska.org](http://legalaidofnebraska.org)

Legal Aid of Nebraska provides free civil legal services for low-income people. Call Legal Aid of Nebraska's AccessLine® to see if you qualify for assistance. To complete an application, call:

- 402-348-1060 AccessLine ® if you live in the Douglas Co. area
- 1-877-250-2016 AccessLine® if you live outside the Douglas Co. area
- 1-800-527-7249 Elder AccessLine ® if you are 60 and over
- 1-800-729-9908 Native American AccessLine ® if you are Native American
- 1-855-660-1391 Beginning Farmer & Rancher Development Program Hotline
- 1-800-464-0258 Rural Response Hotline for farmers and ranchers
- 1-855-307-6730 Nebraska Immigration Legal Assistance Hotline (NILAH)
- 1-844-268-5627 Disaster Relief Hotline for victims of recent disaster, such as tornado, flood or train derailment
- 1-844-535-3533 Legal Assistance for People with Developmental Disabilities

### **LAW SCHOOL LEGAL CLINICS**

#### **UNIVERSITY OF NEBRASKA COLLEGE OF LAW CIVIL CLINICAL LAW PROGRAM** <http://liferaydemo.unl.edu/web/law/academics/curriculum/clinics>

A limited number of cases are accepted by the UNL Civil Clinical Law Program. Clients are represented by students under the supervision of College of Law faculty. The telephone number is 402-472-3271.

#### **CREIGHTON UNIVERSITY SCHOOL OF LAW LEGAL CLINIC** <http://www.creighton.edu/law/clinics/civillawclinic/index.php>

For Douglas County residents only. A limited number of cases are accepted by the Creighton Legal Clinic. Clients are represented by lawyers assisted by third year law students. To complete an application for assistance call the Clinic at 402-280-3068 between 9:00 a.m. and 4:00 p.m.

Monday through Friday.

## SELF-HELP RESOURCES

### [NEBRASKA SUPREME COURT SELF-HELP FORMS](http://court.nol.org/self-help/)

<http://court.nol.org/self-help/>

The Nebraska Pro Se (Self Help) Committee has developed some self-help forms. Visit their website to see what forms are available.

## Self-Help Centers

Self Help Centers are open **when the court is open and when volunteers are available**. Visitors are served on a walk-in, first-come, first-served basis. Due to the demand for services, you should arrive at least one hour before closing if you want assistance that day. Hours and services are posted at each location.

- **Buffalo County:** First Friday of the month 10:00 a.m. to 2:00 p.m.  
Buffalo County Courthouse at 1512 Central Avenue in Kearney, across from the Clerk of the District Court office.
- **Douglas County:** Every Monday and Wednesday 10:00 a.m. to 2:00 p.m.  
Douglas County Courthouse at 17th & Farnam Street in Omaha, across from the Douglas County Law Library, Harney Street level.
- **Hall County:** Second and fourth Friday of the month 10:00 a.m. to 2:00 p.m.  
Hall County Courthouse at 111 West First Street in Grand Island, the lower level across from Courtroom #3.
- **Lancaster County:** First and Third Thursday of the month 10:00 a.m. to 12:00 p.m.  
Lancaster County Courthouse at 575 South 10th Street in Lincoln, Third Floor Jury Room area, rear door to the office of the Clerk of the District Court.
- **Madison County:** Third Friday of the month 10:00 a.m. to 2:00 p.m.  
Madison County Courthouse at 313 North Main Street in Madison; check in with the Clerk of the District Court office (first office at the courthouse entrance).
- **Scotts Bluff County:** First and third Thursday of the month 11:30 a.m. to 1:00 p.m.  
Scotts Bluff County Courthouse at 1725 10th Street in Scottsbluff, basement level.

## **LEGAL AID OF NEBRASKA'S ACCESS TO JUSTICE (A2J) CENTERS**

Legal Aid of Nebraska's A2J Centers are self-help centers where low-income people can access legal resources including computers, forms, and self-help clinics.

### **Omaha**

Located at 209 S. 19<sup>th</sup> Street on the second floor. The A2J Center is open:

**Monday – Wednesday 1:00pm to 4:00pm.**

Call 402-348-1069, or toll-free at 1-888-991-9921, or visit our website at [legalaidofnebraska.org](http://legalaidofnebraska.org) to find out more information. *The hours the A2J Center is open may vary.*

### **Lincoln**

Located at 826 P Street, Lincoln, NE. The A2J Center is open:

**Monday, Wednesday, and Thursday 9:00 am – 11:30 am**

Call 402-435-2161, or toll-free at 1-800-742-7555, or visit our website at [legalaidofnebraska.org](http://legalaidofnebraska.org) to find out more information. *The hours the A2J Center is open may vary.*

## **LIBRARIES**

### **STATE LIBRARY**

<http://www.supremecourt.ne.gov/state-library/index.shtml>

You can go to the State Library if you need access to legal resources including using the internet to do legal research. The State Library is located in room 325 at the State Capitol Building in Lincoln. The telephone number is 402-471-3189.

### **PUBLIC LIBRARIES**

Your local public library may have some resources and public access to computers and the internet. To find your local library you can visit:

<http://www.publiclibraries.com/nebraska.htm>.

### **UNIVERSITY OF NEBRASKA COLLEGE OF LAW LIBRARY**

<http://law.unl.edu/library/>

The UNL College of Law Library is located on the east campus of UNL. The Law library has one public access computer for members of the public to conduct legal research. The general telephone number to the law school is 402-472-2161.

## [CREIGHTON UNIVERSITY LAW SCHOOL LIBRARY](#)

<http://www.creighton.edu/law/library/>

The Creighton Law School Library has public access computers available for legal research. Reference assistance is also available. The general library telephone number is 402-280-2875. The Law Library is open to the general public with legal research needs from 7:00 a.m. to 7:00 p.m. Monday through Friday while school is in session. Hours may vary during breaks and over the summer. It is located in Omaha on the corner of 21st and Cass Streets on the second floor of the Ahmanson Law Center.

## **REFERRAL SERVICES**

Referrals to private attorneys are available. Private attorneys may charge for their services.

## [OMAHA BAR ASSOCIATION LAWYER REFERRAL SERVICE](#)

The service refers callers to private practicing attorneys in Douglas and Sarpy counties. For more information call 402-280-3603 or visit their website at:

<http://omahabarassociation.com/lawyerreferral.asp>.

## [Nebraska Find-A-Lawyer](#)

A service provided by the Nebraska State Bar Association.

<https://www.nefindalawyer.com>

