

Important Documents

Your local court has important forms that will help you repay your debts and deal with debt collectors effectively:

- **Request to Make Installment Payments** which you file to reduce the amount of each payment if you cannot afford current payments — the payments will be monthly and the filing fee is \$25.00;
- **Affidavit of Exemption** form which can protect property from garnishment;
- **Request to Protect Income and Assets** form, which can either protect property from garnishment or limit wage garnishment.
- You can find a copy of these forms online at: www.tncourts.gov. Go to the Forms and Publications section and look under the category for General Sessions Approved Forms.

Note: This pamphlet cannot take the place of legal advice.



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Being Harassed by Debt Collectors?



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The Fair Debt Collection Practices Act

is a federal law that protects you when a debt collector is abusive or deceptive in trying to make you pay a bill.

**Under the Fair Debt
Collection Practices
Act YOU HAVE RIGHTS!**

The law protects you from dishonest, abusive, and unfair debt collection practices. It names several things which a debt collector cannot do when trying to collect money from you.

Who does this law affect?

You can only use this law against the debt collector who is hired by the company to whom you owe money directly. You can not use this against the person or company to whom you owe money.

**When is a debt collector
NOT ALLOWED to contact
me?**

A debt collector is not allowed to contact you before 8:00 a.m. or after 9:00 p.m. unless you have told them that these times are more convenient for you.

A debt collector is not allowed to contact you at work if you write him and say that your employer does not allow you to receive such phone calls at work.

**A debt collector CANNOT
harass or abuse you.**

A debt collector is not allowed to:

Threaten the use of violence or other criminal acts to hurt you, your property, or your good name;

Use vulgar, profane, or abusive language when speaking to anyone;

Use the telephone repeatedly in order to annoy or inconvenience anyone.

**A debt collector CANNOT
lie or try to mislead you.**

A debt collector is not allowed to:

Hide his or her identity from you or whoever else answers the phone;

Pretend to be someone else, such as a lawyer or sheriff;

Threaten to garnish your wages or take your property unless he or she has a legal right to;

Threaten to have you arrested;

Make any false statements whatsoever.

**A debt collector CANNOT
involve other people in
your business**

A debt collector is not allowed to:

Tell other people about your debt;

Contact other people more than once about your debt unless told to do so.

**How to stop a debt collector
from bothering you.**

You can stop a debt collector from contacting you, your relatives, your employer, or anyone else by writing him or her a letter. This letter is called a Cease and Desist Letter. A sample letter is included for your use. Just telling him or her over the phone is not enough.

What should the letter include?

The letter you write to the debt collector should ask him or her to stop all further contact with you or with anyone else he or she may have contacted. It is a good idea to include that you are asking him or her to stop contacting you because of your rights under the **Fair Debt Collection Practices Act**. Also, if you or anyone else in your household has any health problems which are being made worse because of the phone calls, it may be helpful to include this.

Before you send the letter, make sure that it has the date on it. You should also make a photocopy of the letter to keep in your records. Finally, if you can afford it, send the letter by certified mail to make sure that it arrives.

Once the debt collector receives the letter, he or she cannot contact you again except to tell you what other actions they intend to take.