

CAN DEBT COLLECTORS TELL ANYONE ELSE ABOUT MY DECEASED RELATIVE'S DEBT?

Other than to get the personal representative's location, a debt collector is not allowed to talk about your relative's debt to anyone other than the deceased's spouse, parent (if your relative is a child), or guardian.

WHAT IF A DEBT COLLECTOR KEEPS BOTHERING ME?

Report any problems to your State Attorney General's office. Also, talk to a lawyer. You might have a legal claim against the collector.



Contact Information

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PAYING THE DEBTS OF A DECEASED RELATIVE

WTLS does not discriminate on the basis of age, race, color, religion, national origin, sex, or disability status. If you feel you have been discriminated against, you may file a complaint by writing:

WTLS EEOC Officer
210 W. Main Street
Jackson, TN 38302-2066

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WHO IS RESPONSIBLE FOR PAYING A RELATIVE'S DEBT?

Most often, not you. The estate is responsible for paying their debts. If there isn't enough in the estate to cover the debts, they go unpaid.

WHAT'S IN THE ESTATE?

The estate is usually the deceased relative's home, car, bank account, and personal belongings. If the home was owned jointly with "right of survivorship," ownership may pass outside of the estate. If the bank account was joint or "payable on death," ownership may pass outside of the estate. If the car was jointly titled, title may pass outside of the estate.

DO I HAVE TO TALK WITH A DEBT COLLECTOR WHO CALLS ME?

No, but if you're the personal representative, or legally responsible for the debt, like on a joint account, you may want to talk with the debt collector to see if you can resolve the matter.

If there is a will, the personal representative is known as the "executor." If there is no will, the personal representative is known as the "administrator."

AM I LEGALLY RESPONSIBLE FOR MY DECEASED RELATIVE'S DEBTS?

You usually don't have a legal duty to pay the debts of a deceased relative who was not your spouse. Often a spouse is not even obligated to pay, but talk to a lawyer to be sure.

WHEN DOES THE SPOUSE HAVE TO PAY?

A spouse might have to pay the deceased spouse's debts when the debt was a joint account, like a joint credit card. A spouse might also have to pay if they want to keep the property tied up with debt, like a mortgage or a car note. If the mortgage or car note were not joint debts, the spouse may need to take extra steps to keep the property.

A spouse may also have to pay their deceased spouse's medical bills, if the medical procedures were necessary. Talk to a lawyer about your situation to be sure.



WHAT SHOULD I DO IF A DEBT COLLECTOR CONTACTS ME?

Give the debt collector the personal representative's information. Don't give your personal information, like your Social Security number, birth date, or account numbers to anyone. Some scammers may check obituaries and contact relatives of a deceased acting like debt collectors. These scammers can use your personal information to commit identity theft or other fraud.

CAN I STOP A DEBT COLLECTOR FROM CONTACTING ME ABOUT MY DECEASED RELATIVE'S DEBT?

Yes. If you don't want a debt collector to contact you again, write a letter to the collector saying so. Make a copy of your letter, send the original by certified mail, and pay for a "return receipt", so you know when the collector got it.

Once the collector gets your letter, it can't contact you again unless the collector is telling you there will be no further contact or telling you they plan to take a specific action, like filing a lawsuit. Even though the collector can't contact you again, it may sue your relative's estate.