

CONTACT WTLS

Original Creditors

If you are sued by an original creditor, then the first thing that you should do is check the amount they are seeking.

Are they asking for attorney's fees or only the original amount? Does the contract you signed allow them to ask for more than the original amount? If you are don't know, you should ask for a copy of the contract.

Third Party Debt Collectors

What type of documents did the creditor give you? Is there something that looks like a bill of sale between the original creditor and the debt collector? It might say something like, "ABC Credit gives computer file 'X' to XYZ Financials."

Did they give you that file? If they didn't, you should ask their attorney for it. If they claim they did, it is often an incomplete version of the file. It might show only your name or have a partial Excel spreadsheet where every cell but yours is blacked out. This is likely not enough to show that you owe them money.

Often, the creditors may attempt to show that they own your debt by attaching documents like your billing statements to show how much you owed to the original creditor. This only shows that you owe a debt; it does not show that you owe it to the creditor that sued you.

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by writing to:

WTLS EEOC Officer 2

10 W. Main Street

Jackson, TN 38302-2066

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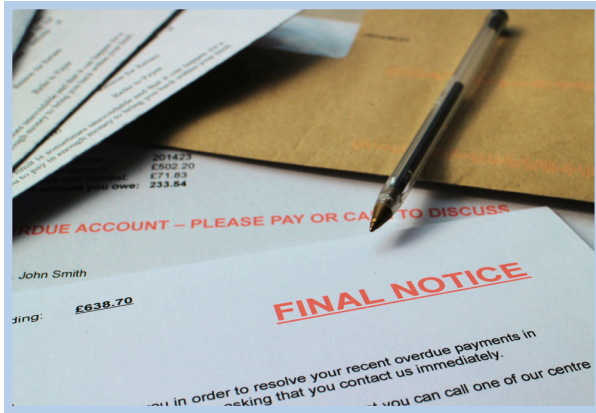
LEGAL SERVICES CORPORATION

**HAVE YOU
BEEN SUED
FOR A DEBT?**



**WEST TENNESSEE
LEGAL SERVICES**

WTLS.ORG



Have you been sued by a creditor who says you owe them money?

Creditors will often sue you to collect on debts. If they get a judgment against you, they can garnish your wages, seize personal property like cars and bank accounts, and place liens on property that you own.

Third Party vs. Original Creditors

Check the top of your civil summons where your name is listed to see if you are being sued by a third party (someone who bought the debt) or an original creditor (the company you first owed the debt to). If you don't recognize the company's name, it is probably a third party.

For example, if you got a credit card from "ABC Credit," but "XYZ Creditors" sued you, then it probably is a third party. However, if "ABC Credit" sued you, it is likely an original creditor.

What if I don't recognize the creditor? Or if the amount they're suing me for is wrong?

First, you should ask the creditor for proof of the debt. They may have included documents with the summons that they believe proves you owe the debt to them. If not, ask the court for a reset so the creditor can provide proof.

Second, if the creditor doesn't give you proof or you don't agree with the amount they sued you for, you should file a sworn denial. This is a document where you say that you dispute the creditor's claims.

Third, you can ask the creditor to consider your account for hardship. If you do not own a house or other large assets and your income cannot be garnished, the creditor may grant a hardship request, which means they will stop trying to collect the debt.



Don't agree to a settlement that you cannot afford.

They might pressure you by saying that you will lose at trial, but you do not have to listen to them. They may try to have you accept a settlement, like a payment plan or a reduced lump sum payment, but you should not agree to anything if you cannot afford it. Instead, you can make a hardship request, or if a judgment is entered against you, you can take steps to protect your income and assets.

What is a default judgment?

This happens when someone is served with a lawsuit (a civil summons is given to them by a process server or sheriff's deputy), and they don't show up to court. That person loses by default, and a default judgment is entered.

How do I avoid a default judgment?

Show up to court on your court date or have an attorney appear on your behalf.