

No Contact Letter- Frequently Asked Questions

Should I make a copy of the letter before I mail it?

Yes. Keeping a copy can help prove you mailed the letter.

Do I need to send the letter certified mail return receipt requested?

We recommend sending the letter this way so you have proof you mailed the letter. Having proof you mailed the letter may help you defend against any future collection action, including lawsuits. If you are unable to send the letter this way, make a note of when you mailed it and keep it with your copy of the letter.

What will happen once I send this letter?

Once creditors receive your No Contact letter they must stop contacting you to ask you to repay your debt. This includes making phone calls, text messages, and sending mail. The creditor does have the right to send you one packet of documents stating why they believe you owe the debt.

Can I still be sued after I send this letter?

Yes, this letter stops creditors from contacting you about making payments on the debt but they can still sue you on the debt up to 4 years and 30 days after your last payment on the debt.

Why does the sample and template No Contact Letter have a paragraph asking for more information about the debt and using words like "open book account," "account stated," or "common count"?

The No Contact Letter includes a section asking the creditor for more information and the type of debt they allege you owe them, so you may proactively get information and investigate possible defenses if the creditor later sues you on the debt. You may send the letter without this paragraph and it will still stop creditors from contacting you to pay the debt. However, including this paragraph may help defend against any future collection action, including lawsuits.

This resource is made possible in part by: the Central District of California's Attorney Admission Fund, the American College of Bankruptcy, and the American College of Bankruptcy Foundation.

SAMPLE

VIA CERTIFIED MAIL: _____ DATE _____
RETURN RECEIPT REQUESTED

Today's month, day, year
Creditor
Creditor Street Address
Creditor City, State , Zip Code

<u>Re:</u>	<u>Your name</u>
<u>Original Creditor:</u>	<u>Name of original creditor</u>
<u>Account Number:</u>	<u>Account number on this debt</u>

Dear Sir or Madam:

I am writing pertaining to the above-referenced account.

My income is protected from collection. I do not own any real property or have any assets. Please send me any and all account level documentation to show why you think I owe this debt. In the meantime, please mark this account as DISPUTED. If you sell, assign, or otherwise transfer this alleged debt, please include a copy of this letter in my file and inform the new company of this dispute.

To the extent you are or will allege this alleged debt is an open book account, an account stated, or other common count, please provide information to support such accounts as I never agreed to such accounts. This information should include, without limitation, when you allege the specific open book account was created and how you believe I agreed to treat this account as an open book, when you allege the account stated was created, including when and how we agreed on the balance struck, and when and how you provided me with a final account stated in writing. For any other such accounts, please provide the date the accounts were created, documentation supporting such accounts, and for all alleged accounts, the account opening and ongoing TILA disclosures required.

Pursuant to the Federal Fair Debt Collection Practices Act and the California Rosenthal Fair Debt Collection Practices Act, 15 U.S.C. § 1692c(c) and California Civil Code §1788.17, I request that you cease all **oral and written communication** with me other than providing me with account level documentation.

Sincerely,

(Your signature)

S A M P L E

VIA CERTIFIED MAIL: _____

RETURN RECEIPT REQUESTED

_____, 20____

Re: _____

Original Creditor: _____

Account Number: _____

Dear Sir or Madam:

I am writing pertaining to the above-referenced account.

My income is protected from collection. I do not own any real property or have any assets. Please send me any and all account level documentation to show why you think I owe this debt. In the meantime, please mark this account as DISPUTED. If you sell, assign, or otherwise transfer this alleged debt, please include a copy of this letter in my file and inform the new company of this dispute.

To the extent you are or will allege this alleged debt is an open book account, an account stated, or other common count, please provide information to support such accounts as I never agreed to such accounts. This information should include, without limitation, when you allege the specific open book account was created and how you believe I agreed to treat this account as an open book, when you allege the account stated was created, including when and how we agreed on the balance struck, and when and how you provided me with a final account stated in writing. For any other such accounts, please provide the date the accounts were created, documentation supporting such accounts, and for all alleged accounts, the account opening and ongoing TILA disclosures required.

Pursuant to the Federal Fair Debt Collection Practices Act and the California Rosenthal Fair Debt Collection Practices Act, 15 U.S.C. § 1692c(c) and California Civil Code §1788.17, I request that you cease all **oral and written communication** with me other than providing me with account level documentation.

Sincerely,
