

Debt Validation Sample Letter

Date

To: (Name of the Collections Agency)
Address: (Address of the Collection Agency)
Account # 123456787

From: (Your Name)
Address: (Your Address)

Delivery Confirmation #: 0000 0000 0000 0000

Dear Collection Agency,

Pursuant to the FCRA & the FDCPA I now exercise my lawful right to question the validity of this debt your agency claims has come due.

Fair Credit Reporting Act § 609 Disclosures to consumers: (c) (2) (E):

A consumer reporting agency is not required to remove accurate derogatory information from a consumer's file, unless the information is outdated under section 605 or cannot be verified.

Fair Credit Reporting Act § 611(a) 1 (A) Procedure in case of disputed accuracy:

(a) Reinvestigations of Disputed Information (1) Reinvestigation Required

(A) In general. Subject to subsection (f), if the completeness or accuracy of any item of information contained in a consumer's file at a consumer reporting agency is disputed by the consumer and the consumer notifies the agency directly, or indirectly through a reseller, of such dispute, the agency shall, free of charge, conduct a reasonable reinvestigation to determine whether the disputed information is inaccurate and record the current status of the disputed information, or delete the item from the file in accordance with paragraph (5), before the end of the 30-day period beginning on the date on which the agency receives the notice of the dispute from the consumer or reseller.

Fair Debt Collection Practices Act § Section 809. Validation of debts:

(b) If the consumer notifies the debt collector in writing within the thirty-day period described in subsection

(a) that the debt, or any portion thereof, is disputed, or that the consumer requests the name and address of the original creditor, the debt collector shall cease collection of the debt, or any disputed portion thereof, until the debt collector obtains verification of the debt or any copy of a judgment, or the name and address of the original creditor, and a copy of such verification or judgment, or name and address of the original creditor, is mailed to the consumer by the debt collector.

According to the Fair Credit Reporting Act, Section 609 (a)(1)(A), your company is required by federal law to verify - through the physical verification of the original signed certified consumer contract - of any and all accounts you request to be posted and or reported on a credit report.

I demand to see a copy of the Verifiable, Validated Proof (an original Consumer Contract with a wet-ink Signature on it, copies of copies are not Validation and by Law are not considered proof), that you have on file for the account listed above.

Under the FCRA, unverified, invalid accounts must be removed.

If you are unable to provide the me with a copy of the verifiable/validated proof that you have on file within 30 calendar days from receipt of this notice, for the account listed above then you must at once remove the account from (Your Name) credit reports. I demand the account be verified or removed immediately!

The law is very clear as to the Civil liability and the remedy available to me for the "negligent noncompliance" (Section 617) if you fail to comply with this Federal Law.

Sincerely,

(Your Name)

This is a **template of a validation letter** which I sent out after receiving notification from a credit bureau that an item I disputed was "verified". I have had great success with this one. Not only for me but for my friends who have used this to remove their negative items as well.



Your Address

Date:

USPS#

Name of Collection Agency

Address

RE: Name of Collection Agency

Account No.

Balance:

Dear Agency,

I received your letter in response to the (Equifax, Transunion, Experian) dispute I initiated.

Included, I have enclosed copies of the letter you sent me. (see attached)

The purpose of this letter is to advise you that an improper investigation was conducted by your agency. (Name of Collection Company) failed to provide me with a copy of any original documentation for example, a consumer contract a with my wet-ink signature on as required under Section 609 (a)(1)(A) & Section 611 (a)(1)(A) of the Fair Credit Reporting Act.

Furthermore, you have failed to provide the method of verification as required under Section 611 (a) (7).

Please be advised that under Section 611 (5)(A) of the FCRA – you are required to "...promptly DELETE all information which cannot be verified."

Under The FCRA in Section 609(c)(2)(E) it states: "A consumer reporting agency is not required to remove accurate derogatory information from a consumer's file, unless the information is outdated under section 605 or cannot be verified."

Pursuant to the Fair Debt Collection Practices Act, I request verification/validation of the debt including the following:

Copies of all information regarding the above-referenced debt, including statements, reports, ledgers, correspondence, notes, origination documents (including any and all application and usage/activity signatures) and documents relating to any assignment of such account to and/or from any third parties.

Please label all quantitative entries, such as, dates, payments, credits, finance charges, penalty fees, collection commissions, and attorney fees.

Also, please provide me with a complete description of your clients identity, including its full name, address, state and local license(s) and state and federal tax numbers.

Last but not least, you need to provide an original consumer contract with my "wet-ink" signature on it.

Copies of copies are not a form of Validation, and by Law are not considered proof. Under the Fair Credit Reporting Act, unverified, invalid accounts must be removed. If you are unable to provide me with a copy of the verifiable/validated proof that you have on file, within 30 calendar days from receipt of this notice, by law you have to immediately remove the aforementioned item in dispute from my credit report.

If you do not initiate an investigation regarding my dispute, as is my right under the Fair Credit Reporting Act, I will have to take legal action to protect my credit rating and myself. As I'm sure you are aware, each violation of the Fair Credit Reporting Act allows damages of \$1000 should this matter end up in court.

Please send the results of your findings to:

Your Address

I look forward to an expedient resolution of this matter,

Your Name

No matter what the results are of a verification process, or even if you never bothered to ask the collection agency for verification, **you have the right to tell a collection agency to stop calling you**, period. Section 805(c) of the Fair Debt Collection Practices Act simply provides that if **you instruct a collection agency in writing to stop contacting you, it must stop everything (including letters)**.



Once the agency receives your letter, the law allows it to send you one more letter in case it wants to tell you that it is agreeing to stop collection efforts, or it plans on using legal remedies to collect the money you owe, such as filing a lawsuit against you or repossessing property used to secure the debt.

Your Name

Your Address

My telephone _____

Today's Date

Collection Agency Name

Address

Fax Number (if available)

Attn: Legal Department

Re: Alleged Original Creditor

Reference Number (usually provided on collection letter-otherwise try to obtain an account or reference number when they call-use last four digits of your social security number if necessary)

Dear Sir/Madam,

I have repeatedly asked you to stop calling me. Pursuant to the Fair Debt Collection Practices Act,

each time you call me once I have asked you to stop, you are in violation of the federal law.

If you call me again, you may be responsible for statutory damages, court costs and my attorney's fees.

Therefore, immediately remove my telephone number from your files. I trust you will not attempt to contact me, or anyone I know, again.

Sincerely Yours,

Signature

Printed Name

c. Federal Trade Commission
Attorney General for your state
ci.

DATE

CREDITOR/CA/ OR CRA NAME

Re: Acct#

I am writing to dispute a fraudulent tradeline on my credit report in the amount of \$. I am a victim of identity theft, and I am requesting that the tradeline be removed from my credit report.

Enclosed is a copy of my Identity Theft Report supporting my position.

(I submitted a complaint with the FTC online, printed the form)

In addition, I am enclosing a copy of sections 605B, 615(f) and 623(a)(6) of the Fair Credit Reporting Act (FCRA), which detail your responsibilities as an information furnisher to consumer reporting agencies in response to the Identity Theft Report I am providing. These enclosures also detail your responsibilities that apply in the event you receive from a consumer reporting agency notice under section 605B of the FCRA that information you provided to the result of identity theft.

Please investigate this matter and remove the fraudulent entry immediately.

Sincerely,

Your name and address

Enclosures:

Identity Theft Report

FCRA Sections 605B, 615(f), 623(a)(6)

ENCLOSURE:

FCRA 605B (15 U.S.C. § 1681c-2) Block of Information Resulting from Identity Theft

(a) Block

Except as otherwise provided in this section, a consumer reporting agency shall block the reporting of any information in the file of a consumer that the consumer identifies as information that resulted from an alleged identity theft, not later than 4 business days after the date of receipt by such agency of--

(1) appropriate proof of the identity of the consumer;

(2) a copy of an identity theft report;

(3) the identification of such information by the consumer; and

(4) a statement by the consumer that the information is not information relating to any transaction by the consumer.

(Notification

A consumer reporting agency shall promptly notify the furnisher of information identified by the consumer under subsection (a) of this section--

(1) that the information may be a result of identity theft;

(2) that an identity theft report has been filed;

(3) that a block has been requested under this section; and

(4) of the effective dates of the block.

© Authority to decline or rescind

(1) In general

A consumer reporting agency may decline to block, or may rescind any block, of information relating to a consumer under this section, if the consumer reporting agency reasonably determines that--

- (A) the information was blocked in error or a block was requested by the consumer in error;
- (B) the information was blocked, or a block was requested by the consumer, on the basis of a material misrepresentation of fact by the consumer relevant to the request to block; or the consumer obtained possession of goods, services, or money as a result of the blocked transaction or transactions.

(2) Notification to consumer

If a block of information is declined or rescinded under this subsection, the affected consumer shall be notified promptly, in the same manner as consumers are notified of the reinsertion of information under section 1681i(a)(5)(of this title.

(3) Significance of block

For purposes of this subsection, if a consumer reporting agency rescinds a block, the presence of information in the file of a consumer prior to the blocking of such information is not evidence of whether the consumer knew or should have known that the consumer obtained possession of any goods, services, or money as a result of the block.

(d) Exception for resellers

(1) No reseller file

This section shall not apply to a consumer reporting agency, if the consumer reporting agency--

(A) is a reseller; (is not, at the time of the request of the consumer under subsection (a) of this section, otherwise furnishing or reselling a consumer report concerning the information identified by the consumer; and informs the consumer, by any means, that the consumer may report the identity theft to the Commission to obtain consumer information regarding identity theft.

(2) Reseller with file

The sole obligation of the consumer reporting agency under this section, with regard to any request of a consumer under this section, shall be to block the consumer report maintained by the consumer reporting agency from any subsequent use, if--

(A) the consumer, in accordance with the provisions of subsection (a) of this section, identifies, to a consumer reporting agency, information in the file of the consumer that resulted from identity theft; and the consumer reporting agency is a reseller of the identified information.

(3) Notice

In carrying out its obligation under paragraph (2), the reseller shall promptly provide a notice to the consumer of the decision to block the file. Such notice shall contain the name, address, and telephone number of each consumer reporting agency from which the consumer information was obtained for resale.

(e) Exception for verification companies

The provisions of this section do not apply to a check services company, acting as such, which issues authorizations for the purpose of approving or processing negotiable instruments, electronic fund transfers, or similar methods of payments, except that, beginning 4 business days after receipt of information described in paragraphs (1) through (3) of subsection (a) of this section, a check services company shall not report to a national consumer reporting agency described in section 1681a(p) of this title, any information identified in the subject identity theft report as resulting from identity theft.

(f) Access to blocked information by law enforcement agencies

No provision of this section shall be construed as requiring a consumer reporting agency to prevent a Federal, State, or local law enforcement agency from accessing blocked information in a consumer file to which the agency could otherwise obtain access under this title.

ENCLOSURE:

FCRA 615(f) (15 U.S.C. § 1681m(f)) Requirements on Users of Consumer Reports – Prohibition on Sale or Transfer of Debt Caused by Identity Theft

(f) Prohibition on sale or transfer of debt caused by identity theft

(1) In general

No person shall sell, transfer for consideration, or place for collection a debt that such person has been notified under section 1681c-2 of this title has resulted from identity theft.

(2) Applicability

The prohibitions of this subsection shall apply to all persons collecting a debt described in paragraph (1) after the date of a notification under paragraph (1).

(3) Rule of construction

Nothing in this subsection shall be construed to prohibit--

(A) the repurchase of a debt in any case in which the assignee of the debt requires such repurchase because the debt has resulted from identity theft;

(the securitization of a debt or the pledging of a portfolio of debt as collateral in connection with a borrowing; or the transfer of debt as a result of a merger, acquisition, purchase and assumption transaction, or transfer of substantially all of the assets of an entity.

ENCLOSURE:

FCRA 623(a)(6) (15 U.S.C. § 1681s-2(a)(6)) Responsibilities of Furnishers of Information to Consumer Reporting Agencies – Duties of Furnishers upon Notice of Identity Theft-Related Information

(6) Duties of furnishers upon notice of identity theft-related information

(A) Reasonable procedures

A person that furnishes information to any consumer reporting agency shall have in place reasonable procedures to respond to any notification that it receives from a consumer reporting agency under section 1681c-2 of this title relating to information resulting from identity theft, to prevent that person from refurnishing such blocked information.

(Information alleged to result from identity theft

If a consumer submits an identity theft report to a person who furnishes information to a consumer reporting agency at the address specified by that person for receiving such reports stating that information maintained by such person that purports to relate to the consumer resulted from identity theft, the person may not furnish such information that purports to relate to the consumer to any consumer reporting agency,

unless the person subsequently knows or is informed by the consumer that the information is correct.

****If you dont have time to submit a FTC complaint, here's another letter to use.

Submit the FCRA citations (see above) as well.

(4) IDENTITY THEFT STATEMENT

Date

COLLECTION AGENCY:

ACCOUNT NO.

I am exercising my rights in accordance with (IAW) the Fair Credit Reporting Act to request removal of any tradelines of this account on my credit report including inquiry records and collection notices being reported to the three major credit bureaus, Experian, TransUnion, and Equifax. This request is due to the fact that the above-referenced account is fraudulent due to unauthorized access to utility services dating from October 2003 through December 2005. Likewise, you shall consider this account to be fraudulent and a case of identity theft. I did not put this in writing sooner in writing sooner because I was unaware of the fraudulent activity until I contacted the original creditor, Consumers Energy, in September 2007. I also received, in writing, a partial debt validation from your agency. In addition, I did not know what recourse was available to me as an identity theft victim.

I hereby affirm:

(If you have any of oyour own degenses, list them here as well)

v I did not authorize anyone to use my name or personal information to seek the money, credit, loans, goods or services described in this report.

v I did not receive any benefit, money, goods, or services as a result of the events described in this report.

v I don't know who the imposter is at this time or how this happened.

The Cantwell-Enzi amendment to the nationally approved FACTA (effective June 2, 2004) will require compliance with this request within 30 days. Further, credit issuers must provide that documentation and information to a police agency designated by the impersonated party. In lieu of a police report, official affidavit filed with the following agency:

Name of agency: FEDERAL TRADE COMMISSION

Case # _____ (If you file a FTC complaint they will send you a confirmation # on the letter.)

Please be advised that continued reporting of this account to the credit bureaus as collection items is considered a violation of the state and federal laws in accordance with FCRA AND FACTA. Please do not sell, distribute, trade, exchange, share, donate, giveaway and/or transfer information about this fraudulent account with any other entity. Once resolved, I expect a letter of clearance to be issued within 10 days.

Your name & address (Do not sign)

I declare under penalty of perjury that this declaration is true and correct to the best of my knowledge.

Knowingly submitting false information on this affidavit could subject me to criminal prosecution for perjury.

WITNESS:

(Signature) (Printed name)

(Date) (Telephone)

Encl:

Cc: FILE

FTC

EQUIFAX