

ARE YOU A VICTIM OF UNFAIR DEBT COLLECTION?

Olsen, Olsen & Daines aggressively pursues legal action against creditors who violate state and federal Unfair Debt Collection statutes.

If you think that you have been a victim of an illegal collection or attempts by a collection agency or creditor, then please discuss the facts of your case with us.

The most common violations include:

1. Telephoning your employer after you have instructed the creditor that you are not allowed to receive such calls at work. (We will require a statement from a neutral party that you have received such calls who can verify that these creditors calls were made.) This is a very common form of unfair debt collection.

2. Garnishment, collection letters, or other legal action sent by a debt collector after they were listed as a creditor in a bankruptcy and received notice of the bankruptcy or reported information on a report.

3. Use of abusive language such or swear words, including demeaning language such as: “you should not have gone to the doctor if you couldn’t pay for it.” “We are going to sue you and you will lose your job.” “We are going to contact your employer.” “Why aren’t your kids working?”

4. Abusive telephone tactics such as calling back repeatedly after you have told them you cannot pay. Multiple calls in one day. Calls every single day over several days from a single creditor after you have spoken to the creditor. Calls before 7 am or after 9 pm your local time. Multiple calls to relatives. Calls to a cell phone after have told them that the calls cost you money. Calls to neighbors, friends or relatives that take on an abusive character such as constant calls after a request is made that they stop or are threatening. (It is important that you document abusive telephone tactics as much as possible.)

5. A threat of legal action that they cannot take. For example: “We are going to garnish your next pay check if you don’t pay us.” (When they haven’t even sued you yet.) “We are going to take your property.” “We are going to garnish your bank account.” (If they know you only receive a pension or social security.)

6. Communicating the existence of the debt to a third party. A debt collector cannot even identify themselves as a debt collector to a third party. (Someone other than yourself!) For example: A debt collector leaves a message at your work or with a neighbor, friend or relative that ABC Collectors called and that there is a very important call that you must return.

WHAT DO YOU DO IF YOU HAVE BEEN A VICTIM?

Please call our office and discuss the facts with one of the attorneys. If you think the collection contact was inappropriate, it probably was.

(OVER)

Q: What can the attorney do?

A: If the facts are right we can file a legal action before, during or after a bankruptcy. A bankruptcy need not be filed to file this action.

Q: Will it cost me to file a lawsuit against this creditor?

A: No. We will advance the filing fee if there is one and will be reimbursed from any recovery we make. This is discussed more fully in the fee agreement.

Q: Will I be able to recover money?

A: Yes probably. Normally it will not be a large amount.

Q: How is the attorney paid?

A: Under these laws often the attorney is entitled to be paid attorney fees from the violating creditor. We don't get paid from the client to file these cases. Once again this is gone over in the simple fee agreement.

Q: Why should I pursue this?

A: We have found that very few attorneys sue creditors for violation of the Unfair Debt Collection statutes. Thus, creditors continue to violate the law because no one will normally sue them. Since we handle so many of these cases and our speciality is helping people like you, we believe it is our obligation to sue on these cases so these creditors will correct their practices and not continue the same wrongful ways. If you don't allow us to pursue these cases then you are allowing the creditor to do the same thing to some other unsuspecting person in the future.

PLEASE CALL US NOW WITH ANY QUESTIONS YOU MIGHT HAVE

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