



HOW TO REQUEST VALIDATION OF A DEBT

Todd Murray
The Todd Murray Law Firm, PLLC
800 Washington Ave N
Suite 704
Minneapolis, MN 55401
(612) 284-4141
todd@toddmurraylaw.com

IMPORTANT INFORMATION—PLEASE READ THIS FIRST

1. These instructions and the Validation Letter form are merely an information tool provided for your convenience. If you want legal advice, discuss your specific situation privately with a consumer lawyer. If you live in Minnesota, feel free to contact me.
2. Under the Fair Debt Collection Practices Act, a debt collector must send you a written notice within 5 days of their first communication with you. The notice must tell you, among other things, about your right to request validation of the debt. **A debt collector only has to honor your request for validation if it's sent in writing and within 30 days of your receipt of that first notice.** Practically speaking, many debt collectors will honor a validation request that's made after the 30 days, but if you want to guarantee your right to validation, you must send the letter within that 30 days.
3. Just because you use the Validation Letter form doesn't mean that I'm your lawyer. I'm only your lawyer if we both sign something that says I'm your lawyer.
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STEP-BY-STEP INSTRUCTIONS

- If you haven't already, download the free Validation Letter form (available as a Word document) on my website.
- The following 6 instructions correspond to the 6 places on the Validation Letter form (each marked with a [#]) where you'll need to fill in different information. Just highlight the [#] in the form and then type in the information described in each instruction so that it replaces the [#].
- I've included language in the letter that requests that the debt collector stop contacting you. Depending on your situation, you may not want them to do this. For example, if your goal is to negotiate a settlement, then you may want to leave the lines of communication open. If that's the case, then just delete that sentence from the letter.

[#1] Type the date you will be mailing the letter.

[#2] Type the name of the debt collector.

[#3] Type the debt collector's address. Be a little careful about this. Look at any letters they've sent you and confirm their address. Some large debt collectors have specific addresses that they receive mail at.

[#4] Type the debt collector's city, state, and zip.

[#5] Type the account or file number that the debt collector has assigned to your file. Again, look at any letters they've sent you. These letters will usually have that information. If you're not sure what it is, use your account number. If you're uncomfortable putting the entire account number on there, then type something like “account number ending in 1234.”

[#6] Type your name.

- Save the Word document.
- Print out the letter. Sign your name on the line directly above [#6].
- Send the letter via Certified Mail—Return Receipt Requested. This way you will be able to prove that the debt collector received your letter.
- **Obviously, you only mail a copy of the Validation Letter—and not these instructions—to the debt collector.**

Next Steps

- When you get the green card back, keep it for your records. This way, you can prove that the debt collector received your letter.
- If a debt collector receives a timely, written request for validation, they must stop all collection attempts until they validate your debt. There are some websites that claim that a debt collector must validate a debt within 30 days and if they don't the debt is forgiven. This is simply not true. There is no time limit to how long the debt collector has to validate your debt. They just can't call you, write you, sue you, or take any other action until they validate. If they do, they've violated the FDCPA.

Be sure to download my free handout, “FDCPA Basics” for more information about your rights under the FDCPA.

- There aren't any clear guidelines about what documents the debt collector must send you to properly validate your debt. The FDCPA doesn't define validation, and the FTC has said that validation only needs to confirm that the debt collector is pursuing the right person and the right amount.
- Many debt collectors respond to a proper validation request by transferring your account to a different debt collector. If this happens to you, you'll need to use this form again request validation from the new debt collector. Don't be surprised if your account bounces around several times.