**DEBT VALIDATION LETTER**

A debt validation letter is a letter that you send to a **creditor** or **collection agency** requesting proof that the debt in question is valid and not outside the statute of limitations for collecting the debt.

Federal law gives you the right to request a debt collector provide proof that you owe a debt and that the debt can be legally collected on. Do not request debt validation over the phone because your rights will not be protected if you do. You must send a debt validation letter.

Once the debt validation letter is sent, the collector must stop collection efforts until they’ve sent sufficient proof of the debt. This means they cannot call you, send letters, or list the debt on your credit report.

The debt validation request is time sensitive. You must make your request in writing within 30 days of the debt collector's initial contact with you. If you wait more than 30 days, your validation request may not be covered under debt collection law.

Do not admit to owing the debt or making any reference or agreement to payment. If the debt has passed the statute of limitations and is no longer legally enforceable, making promises to pay or acknowledging the debt is yours could restart the clock.

The debt validation letter is different from the four letters that are sent to the Credit Reporting Bureau. The debt validation letter references your rights according to the **Fair Debt Collections Practices Act** and is to be sent only to a creditor or collection agency, not the credit reporting bureaus.

You should send this letter by certified mail and request return receipt so you can document the correspondence between you and the debt collector.

**Statute of Limitations on Debt by State**

The statute of limitation is the amount of time a creditor can ask the court to force you to pay for a debt. The court system doesn't keep track of the statute on your debt. Instead, it's your responsibility to prove the debt has passed its statute of limitation.

Debts that have passed the statute of limitation are known as time-barred debts. The creditor can still attempt to sue you but will not get a judgment against you as long as you come to court prepared with proof that your debt is too old.

Debts fall into one of four categories. It's important to know which type of debt you have because the time limits are different for each type.

**Oral Agreements**You made a verbal agreement to pay back the money and there is nothing in writing.

**Written Contracts**All debts that come with a contract that was signed by you and the creditor falls in the category of a written contract—even if it was written on a napkin. However, a written contract must include the terms and conditions of the loan.

**Promissory Note**A written agreement to pay back a debt in certain payments, at a certain interest rate, and by a certain date and time.

**Open Ended Account**An account with a revolving balance that you can repay and then borrow again.

**By State**
Each state has its own statute of limitations on debt, which is the amount of time the court will force you to pay a debt. The statute of limitations varies depending on the type of debt you have such as credit card debt or a loan. Usually, it is between three and six years, but it can be as high as 10 or 15 years in some states. Before you respond to a debt collection, find out the debt statute of limitations for your state.

Here's a rundown of the statute of limitation state-by-state, as of July 2018.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **State** | **Oral**  | **Written** | **Promissory**  | **Open** |
| Alabama | 6 | 6 | 6 | 3 |
| Alaska | 6 | 6 | 3 | 3 |
| Arizona | 3 | 5 | 6 | 3 |
| Arkansas | 3 | 6 | 3 | 3 |
| California | 2 | 4 | 4 | 4 |
| Colorado | 6 | 6 | 6 | 6 |
| Connecticut | 3 | 6 | 6 | 3 |
| Delaware | 3 | 3 | 3 | 4 |
| Florida | 4 | 5 | 5 | 4 |
| Georgia | 4 | 6 | 6 | 6 |
| Hawaii | 6 | 6 | 6 | 6 |
| Idaho | 4 | 5 | 5 | 5 |
| Illinois | 5 | 10 | 10 | 5 |
| Indiana | 6 | 10 | 10 | 6 |
| Iowa | 5 | 10 | 5 | 5 |
| Kansas | 3 | 5 | 5 | 3 |
| Kentucky | 5 | 10 | 15 | 5 |
| Louisiana | 10 | 10 | 10 | 3 |
| Maine | 6 | 6 | 6 | 6 |
| Maryland | 3 | 3 | 6 | 3 |
| Massachusetts | 6 | 6 | 6 | 6 |
| Michigan | 6 | 6 | 6 | 6 |
| Minnesota | 6 | 6 | 6 | 6 |
| Mississippi | 3 | 3 | 3 | 3 |
| Missouri | 5 | 10 | 10 | 5 |
| Montana | 5 | 8 | 8 | 5 |
| Nebraska | 4 | 5 | 5 | 4 |
| Nevada | 4 | 6 | 3 | 4 |
| New Hampshire | 3 | 3 | 6 | 3 |
| New Jersey | 6 | 6 | 6 | 6 |
| New Mexico | 4 | 6 | 6 | 4 |
| New York | 6 | 6 | 6 | 6 |
| North Carolina | 3 | 3 | 5 | 3 |
| North Dakota | 6 | 6 | 6 | 6 |
| Ohio | 15 | 15 | 15 | 6 |
| Oklahoma | 3 | 5 | 5 | 3 |
| Oregon | 6 | 6 | 6 | 6 |
| Pennsylvania | 4 | 4 | 4 | 4 |
| Rhode Island | 10 | 10 | 10 | 10 |
| South Carolina | 3 | 3 | 3 | 3 |
| South Dakota | 3 | 6 | 6 | 6 |
| Tennessee | 6 | 6 | 6 | 6 |
| Texas | 4 | 4 | 4 | 4 |
| Utah | 4 | 6 | 6 | 4 |
| Vermont | 6 | 6 | 5 | 3 |
| Virginia | 3 | 5 | 6 | 3 |
| Washington | 3 | 6 | 6 | 3 |
| West Virginia | 5 | 10 | 6 | 5 |
| Wisconsin | 6 | 6 | 10 | 6 |
| Wyoming | 8 | 10 | 10 | 8 |

Statute of limitations are subject to change. Verify your state’s statute of limitations before taking any action.

**DEBT VALIDATION LETTER**

YOUR NAME

YOUR ADDRESS

CITY, STATE ZIP

Month Day , 20XX

COLLECTION AGENCY NAME

ADDRESS

CITY, STATE ZIP

RE: ACCOUNT # XXX-XXXX

To whom it may concern:

Be advised that this is not a refusal to pay, but a notice that your claim is disputed, and validation is requested. Under the **Fair Debt Collection Practices Act (FDCPA), 15 USC 1692 Sec. 809 (b)**, I have the right to request validation of the debt you claim that I owe you. I am requesting proof that I am indeed the party you are asking to pay this debt, and there is some contractual obligation that is binding on me to pay this debt.

This is NOT a request for “verification” or proof of my mailing address, but a request for VALIDATION made pursuant to **15 USC 1692g Sec. 809 (b) of the Fair Debt Collection Practices Act (FDCPA)**. I respectfully request that your offices provide me with competent evidence that I have any legal obligation to pay you.

At this time, I will also inform you that if your offices have or continue to report invalidated information to any of the three major credit bureaus (Equifax, Experian, TransUnion), this action might constitute fraud under both federal and state laws. Due to this fact, if any negative mark is found or continues to report on any of my credit reports by your company or the company you represent, I will not hesitate in bringing legal action against you and your client for the following:

* Violation of the Fair Debt Collection Practices Act
* Violation of the Fair Credit Reporting Act
* Defamation of Character

If your office is able to provide the proper documentation as requested in the following declaration, I will require 30 days to investigate this information and during such time all collection activity must cease and desist.

Also, during this validation period, if any action is taken which could be considered detrimental to any of my credit reports, I will consult with my legal counsel for suit. This includes any listing of information to a credit reporting repository that could be inaccurate or invalidated or verifying an account as accurate when in fact there is no provided proof that it is.

If your offices fail to respond to this validation request within 30 days from the date of your receipt, all references to this account must be deleted and completely removed from my credit file and a copy of such deletion request shall be sent to me immediately.

I am also requesting, in writing, that no telephone contact be made by your offices to my home or place of employment made pursuant to my rights under the **Fair Debt Collection Practices Act (FDCPA), 15 USC 1692c Sec. 805(c)**. If your offices attempt telephone communication with me, including but not limited to computer generated calls and calls or correspondence sent to or with any third parties, it will be considered harassment and I will have not choice but to file suit. All future communications with me MUST be done in writing and sent to the address noted in this letter.

Please supply the information below:

 Why you think I owe the debt and to whom I owe it, including:

• The name and address of the creditor to whom the debt is currently owed, the account number used by that creditor, and the amount owed.

• If this debt started with a different creditor, provide the name and address of the original creditor, the account number used by that creditor, and the amount owed to that creditor at the time it was transferred. When you identify the original creditor, please provide any other

name by which I might know them, if that is different from the official name. In addition, tell me when the current creditor obtained the debt and who the current creditor obtained it from.

• Provide verification and documentation that there is a valid basis for claiming that I am required to pay the debt to the current creditor. For example, can you provide a copy of the written agreement that created my original requirement to pay?

• If you are asking that I pay a debt that somebody else is or was required to pay, identify that person. Provide verification and documentation about why this is a debt that I am required to pay.

The amount and age of the debt, including:

• A copy of the last billing statement sent to me by the original creditor.

• State the amount of the debt when you obtained it, and when that was.

• If there have been any additional interest, fees or charges added since the last billing statement from the original creditor, provide an itemization showing the dates and amount of each added amount. In addition, explain how the added interest, fees or other charges are expressly authorized by the agreement creating the debt or are permitted by law.

• If there have been any payments or other reductions since the last billing statement from the original creditor, provide an itemization showing the dates and amount of each of them.

• If there have been any other changes or adjustments since the last billing statement from the original creditor, please provide full verification and documentation of the amount you are trying to collect. Explain how that amount was calculated. In addition, explain how the other changes or adjustments are expressly authorized by the agreement creating the debt or permitted by law.

• Tell me when the creditor claims this debt became due and when it became delinquent.

• Identify the date of the last payment made on this account.

• Have you made a determination that this debt is within the statute of limitations applicable to it? Tell me when you think the statute of limitations expires for this debt, and how you determined that.

Details about your authority to collect this debt.

• I would like more information about your firm before I discuss the debt with you. Does your firm have a debt collection license from my state? If not, say why not. If so, provide the date of the license, the name on the license, the license number, and the name, address and telephone number of the state agency issuing the license.

• If you are contacting me from a place outside my state, does your firm have a debt collection license from that place? If so, provide the date of the license, the name on the license, the license number, and the name, address and telephone number of the state agency issuing the license.

Please provide the name and address of the bonding agent for Collection Agency Name in case legal action becomes necessary. Your claim cannot and WILL NOT be considered if any portion of the above is not completed and returned with copies of all requested documentation. This is a request for validation made pursuant to **15 USC 1692g Sec. 809 (b) of the Fair Debt Collection Practices Act (FDCPA)**.

**IN WITNESS WHEREOF, the said party has signed and sealed these presents the day and year first above written.**

**Signed, sealed and delivered in the presence of:**  **{PRINT YOUR NAME HERE}**

 **Signature \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**STATE OF**

**COUNTY OF**

 **I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared { YOUR NAME HERE }, who is personally known to me or who has produced \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same.**

 **WITNESS my hand and official seal in the County and State aforesaid this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 2020.**

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Notary Public**

**Printed Name:**

 **My commission expires:**