

# **INFORMATION PACKET BELING & ASSOCIATES**



**“SHIFTING THE BALANCE OF POWER”**

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## HOW IT WORKS

### THE RIGHT STEP IN HIRING AN ATTORNEY

An unsecured debt or private student loan is a contract between you and a lender. As with all contracts only an attorney should be hired to identify your rights under the contract, defend your rights under the contract and take legal action against any lender, debt collector or credit reporting agency that violates your rights. Due to many of the misleading claims and accounting errors that many financial institutions may have committed, your attorney is also going to request all pertinent information on your behalf.

### OUR PROCESS

**FIRST**, as you may have seen in the news over the past several years, financial institutions have paid billions of dollars in fines due to fraudulent lending, misleading advertisements, contracts that require certain wording mandated by Federal Law, and billing error practices. We begin with requesting and gathering information from your school's financial aid offices, lenders, banks, collectors, and any advertising you may have received. We help our clients by working with your lenders and creditors through a multi-step process involving close examination, discovery, account enforceability, auditing, and potentially arbitration.

**SECOND**, your lawyer will evaluate your case and determine the best strategy with your lender(s). Prior to any action taken, your attorney must determine what your obligations are under the terms of your contracts. The length of time varies from account to account but every lender and creditor is handled in the same professional manner and every debt is addressed. Part of our process is to make sure that they have accurate records, that the original contract does not violate Truth in Lending Laws as well as many other applicable laws and statutes.

**FINALLY**, the costs of the service are a fixed flat fee that your attorney has allowed you to make monthly installment payments.

### OUR LEARNING RESOURCES

Through our partners and our affiliation with a non-profit educational organization, we provide you with a wide variety of learning resource, such as:

- **Email Updates:**  
Through regular email updates, we keep you updated on the progress of your file and offer other information to help you learn.
- **Consultation:**  
After your file has been accepted, you will be scheduled a consultation with an attorney and if needed, your co-signers as well.

## PRIVATE STUDENT LOAN DEFENSE



### **PRIVATE STUDENT LOANS**

Private Student Loans are unsecured obligations originated by a private lender(s) and executed by a promissory note.

### **THE PROCESS**

The law firm will be requesting the original documentation on all of your accounts enrolled, examining your lender(s) compliance and legally disputing your accounts based on our findings.

### **HOW LONG DOES THE PROCESS TAKE?**

The average defense case lasts 24-36 months. Results will vary.

### **TYPICAL RESULTS**

The typical defense case may result in one of two scenarios: Forgiveness of debt or settlement.

### **HOW WE ACHIEVE RESULTS**

Lenders and debt collectors may routinely violate laws that are put in place to protect consumers, as well as common law. We leverage these violations against the lender(s) or creditors to attempt to dismiss our clients' loan(s) or obtain a favorable resolution on their account. We are also able to leverage our client's position, when the lenders or debt collectors fail to adhere to the principles of contract law or honor the requirements of state or federal law.

### **CREDIT EFFECT**

Federal law prohibits a creditor(s) or debt collector(s) from reporting negatively on a particular debt that is in a "dispute status" as delinquent. However, although there are laws that prohibit lenders and creditors from reporting negatively against consumers while in a dispute, they still might do so. Your attorney will assist if there has been false reporting committed. The Fair Credit Reporting Act requires that the creditors, debt collectors, and credit reporting agencies report accurate and complete information about you and your credit worthiness.

## CONSUMER LAWS THAT PROTECT YOU



The **Fair Debt Collection Practices Act**, commonly referred to as the **FDCPA**, is a federal law designed to protect you, the consumer. It spells out the rights consumers have regarding debt collection and prohibits debt collectors from using dishonest and abusive methods of collecting money owed.

If you feel a debt collector has violated any of your rights under the FDCPA, contact us and we may be able to assist you with any violations.

### Illegal Practices in Attempting to Collect a Debt

The following practices are illegal under the FDCPA:

- A debt collector calls your work after you tell the collector not to call your work
- A debt collector calls before 8 a.m. or after 9 p.m. in your time zone
- A debt collector makes an excessive number of phone calls (usually, more than 1 call per day)
- A debt collector claims to be an attorney or sends letters that look like they are from a law office when **they are not**
- A debt collector continues to contact you even after they have been made aware that you are being represented by an attorney
- A debt collector tells someone other than you, your spouse, or your attorney that you owe them money
- A debt collector misrepresents the amount of money owed, or the legal status of the debt
- A debt collector fails to honor your request for them to cease communication with you
- A debt collector gives false information regarding your credit
- A debt collector threatens to garnish your wages or take your personal property (this can only be done with a court order)
- A debt collector uses obscene language
- A debt collector threatens you or your family
- A debt collector threatens you with criminal prosecution or tries to imply you are committing a crime that you could be arrested for and go to jail