

# Three Weaknesses Almost Every Debt Collector Has

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## And How to Use them to Win Your Case

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## Three Weaknesses Most Debt Collectors Have

Debt collectors tend to buy debts in large quantities (called “tranches”) at a cost that varies from 25 or even 50 cents or more per dollar of “nominal” debt owed (that is, how much the documents *say* you owe) all the way down to small fractions of a cent per dollar of nominal debt. The price depends on various risk factors, including the date of the debt, how many other people have owned the debt, and so on. As a general rule, the older the debt, and the more owners it has had, the less a debt collector pays for them.

Most of the debts tranches are sold at auction, so there is also a competitive factor, although considering the amount of debt that exists, this can’t be very significant. We have written extensively about the contracts that control the terms of these auctioned debt sales, because getting this contract can be extremely helpful in defending against a debt lawsuit. Members, See, [Assignment Contracts, Holy Grail for Debt Defendants](#).

Most debt collectors bug the people who supposedly owe the money and collect as much as possible before bringing suit, but they can simply bring suit immediately. In any event, when they file lawsuits, they tend to file them "in bulk" often filing fifty or a hundred suits at a time in the same court.

Most of the people they sue do not fight back.

Because the price of the debts is often so low and so many people don't respond to lawsuits against them and give up a default judgment, the debt collection business is mainly not designed to fight a determined opponent, and it rapidly becomes uneconomical for them to do so.

This gives ordinary debt defendants a tremendous advantage if they know how to defend themselves and where to focus their efforts. Our materials are designed to help you fight back intelligently, and our [\*Three Weaknesses Report\*](#) will show you where to focus your efforts in most cases against the debt collectors. You'll have to do some work both to figure this out and to apply it to your case, but it will take much of the work out of your defense and give you a shortcut to victory.

## **The Weaknesses**

The weaknesses debt collectors share all come from the carelessness that handling cases in bulk with an absolute minimum amount of individual time spent on them brings. There is very definitely a "factory mentality" among the debt collectors, and individual time is by far the most expensive part of the collection process for them.

This factory mentality pervades the process from top to bottom and infects sales of debts between the debt collectors. Remember, none of these weaknesses are "magical" or "secret." They are simply the inevitable result of a process which focuses so much on bulk purchases and processes that rarely get tested by defendants. The debt collectors tolerate problems that can be fatal to their case in individual cases because most people don't attack the problems.

## **No Adequate Bill of Sale or Chain of Title**

We tell you specifically what to look for to know that the debt collector has this problem, but many debt collectors can't seem to show an adequate *bill of sale* that proves they own the debt.

A related problem occurs when the debt has been sold more than once. In that situation adequate proof of **every** transfer is necessary. And when the debt has been sold more than once, the debt collector is almost never going to have what it needs to prove its right to sue you. The Report shows you what questions to ask in discovery to get proof of the problem, how to show it to the court, and give you case authority for the position you are going to take. The bottom line, though, is that the debt collector will often fail to prove actual ownership of the debt. Without that, it has no right to sue you.

## **Hearsay and the Business Records Exception**

Debt buyers buy debts from other people who created and kept all the records of the debt. They almost never get what they would need to introduce these records in court properly. We explain the rule against hearsay in the report and show why the debt collectors' efforts to avoid that rule not only should not work but actually probably amount to a violation of the Fair Debt Collection Practices Act (FDCPA). We give you cases and arguments, and we show you how to get what you need to prove your case.

No Contract

Debt collectors rarely bother to get the credit card contract or application for which they are suing you. They say they don't have to, but...

We'll show you why they usually **do** need to have that proof. Again, we give you the case law and show you how to find the debt collector's weaknesses through discovery. And we also show you how to deal with the most common way debt collectors try to avoid the huge problem not having a contract can often bring: the "Account Stated" claim.

## Conclusion

As we've said, almost all debt collection cases share these weaknesses, and you can usually kill their case with the information in this report. You will need to do some research to make it just right, and you will definitely need to understand the arguments, but this report will take you a long, long way towards beating any case brought by a debt collector.

# Your Legal Leg Up

[Your Legal Leg Up](#) is dedicated to helping people defend themselves from debt lawsuits without having to hire a lawyer. Lawsuits have a number of points where specific action is called for, and we have products to help you deal with most of these situations. We also have memberships that give you access to more materials and better training, and also provide a regular opportunity to ask questions and get answers in real-time. You can use this time to find out what the debt collectors are trying to do and what you might do in response, and you can get guidance on the issues that matter and how to think about and address them.

In addition to that, our website is a resource for all. Many of the articles and materials are reserved for members, but many others are available to everyone. Every page has a site search button in both the header and footer.

Put in a key word – a word you think relates to what you're looking for – and enter. You will get a page of results.

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You may be reading this article because you are being sued. If so, the first question to address is whether or not you have been properly served with the suit. We have two ways of helping there. You can use our [Case Evaluation product](#) for a quick evaluation of the legal issues presented by your suit, which will include a discussion of the way you were given it, or "served."

A second way would be to join us as a gold litigation member or above and ask about it at a teleconference for free.

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