

**RESPONSE LETTER TO LAW FIRM ATTEMPTING TO COLLECT FINE IN
UNADJUDICATED CLASS C FINE ONLY CASES.**

This is a debt-collection law firm. They cannot do ANYTHING in relation to the case, including looking up or entering ANYTHING on your BiL's credit report. IF THEY DO, then he can sue the crap out of them under the Federal Fair Debt Collection Practices Act ("FDCPA").

Send back a CERTIFIED MAIL/RETURN RECEIPT REQUESTED via the U.S. Postal Mail Service in reply that states ONLY the following in its body:

"Dear Sir/Madam,

In response to your debt collection communication letter sent via the United States Postal Mail Service dated MM-DD-YYYY, under the terms and conditions of the Federal Fair Debt Collection Practices Act ("FDCPA"), I have good reason to believe and do believe that your firm is acting as a debt collector for the "CITY OF GILMER." and that your letter is a communication made exclusively for the collection of an alleged debt

The United States Supreme Court has previously held that the United States Congress amended the FDCPA in 1986 to remove the blanket exception for attorneys, thus, the FDCPA now directly "... applies to attorneys who 'regularly' engage in consumer-debt-collection activity, even when that activity consists of litigation." [Heintz v. Jenkins, 514 U.S. 291, 299 \(1995\)](#). An attorney who is regularly engaged, directly and indirectly, in the collection of debts, is a debt collector under the FDCPA. [Kistner v. Law Offices of Michael P. Margelefsky, LLC, 518 F.3d 433, 438 \(6th Cir.2008\)](#). [Gathing v. MERS, Inc., 2010 WL 889945 * 13 \(W.D. Mich., Mar. 10, 2010\)](#). Therefore, I must presume that all FDCPA debt collection requirements apply to your firm and your firm's debt collection letter as a matter of law.

Therefore, as your communication clearly violates numerous mandatory requirements for such debt collection communications under the FDCPA on its face, I must presume that your intentions are to knowingly and willfully act in violation of said Act, existing Texas law, and both the due process and consumer rights of the individual to whom it is addressed.

As no due process via any sort of fair and impartial trial has been afforded the individual to whom your unlawful communication is directed, and no adjudication has been had, nor any signed order of conviction and judgement having been subsequently issued, no valid judgement, much less any kind of judgement related "debt," can possibly legally exist. These are simply the facts. As attorneys practicing law within the state of Texas, you both could have known and should have known that Texas law REQUIRES the existence of a post-conviction order SIGNED by the judge of the court, even for Class C fine only convictions, which I am absolutely certain your records do not contain as no such order could have been lawfully issued without a guilty plea or conviction at trial, neither of which has occurred.

As attorneys, these are things you are required to know and account for in the course of your actions, the most important of which is that you act in full compliance with the law and the individual rights of the public. However, it would appear that your firm would rather engage in perpetrating fraud upon the public by knowingly and willfully demanding payment of a non-existent and legally invalid debt.

Therefore, I hereby demand that you immediately provide me with certified copies of all documentary proof of the alleged final judgement and its associated debt that you are claiming exists and are attempting to collect.

Be further advised, absent your firm making every possible effort to provide me the requested certified records and other documents required by and pursuant to Texas Code of Criminal Procedure Arts. [45.041\(d\)](#) and [45.047](#) and the FDCPA as expeditiously as possible, and these records proving the existence of a legally proper criminal conviction and signed judgement order necessary for the creation of the alleged judgement debt, your unlawful communication must and will be viewed as a knowing and willful act of attempted mail fraud and conspiracy to commit mail fraud by use of the United States Postal Mail, a federal offense, as well as being sufficient grounds to pursue the filing of an FDCPA law suit against your firm and its officers.

Should you fail to provide the requested verifiable documentary evidence proving the existence of the alleged debt you claim to have been contracted to collect within ten business days from the receipt of this written demand for validation, a copy of your communication will be forwarded to the United States Department of Justice and the Office of the Post Master General accompanied by a sworn criminal complaint, wherein the allegation will be made that your law firm is believed to be engaging in deceptive trade practices, mail fraud, conspiracy to commit mail fraud, and knowing and willful violations of not only the FDCPA, but also the due process rights of the individual to whom you have directed the communication regarding the alleged debt as well as the rules of professional ethics and conduct.

Again, you have ten business days from the date of receipt of this reply to provide the requested records and documents validating the existence of the alleged debt.

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No further communication from your firm or any agent thereof shall be accepted by any means other than certified mail service via the United States Postal Mail Service."

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Sign this letter using a FORMAL BUSINESS FORM, and be SURE it is mailed via Certified Mail/ Return Receipt Requested.

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