

Kansas Legal Services

A non-profit law firm and community education organization helping low and moderate income people in Kansas



www.kansaslegalservices.org

Kansas Legal Services helps with a wide range of legal problems

Kansas Legal Services has hundreds of success stories that celebrate the outcomes of helping individuals and families in a variety of ways. From finding shelter and security for a family fleeing an abusive situation to confronting a harassing debt collection agency, Kansas Legal Services staff have been on the front lines of fighting for equal access to justice for vulnerable Kansans.

Please read a few of our many successes. We hope you will join us in our efforts to provide equal access to justice for all by **donating to Kansas Legal Services**. You can help us continue to assist people like Julie and her family, who needed to escape an abusive marriage:

Kansas Legal Services helped Julie, who has being abused by a mentally unstable husband, Will. Will had a gun and had threatened physical harm to Julie and their children. Will shared custody orders of the children with Julie. KLS got the temporary PFA order extended until a motion could be filed in the divorce case to modify the custody orders so that Julie and her children no longer have to live in fear.

?When a widow, Mae, received a phone call threatening her with jail for not paying a debt, she was frightened. After consulting with a Kansas Legal Services attorney, Mae learned that she could not go to jail for a bad debt and that she should not send any money in response to the call. After additional investigation, it was learned that she didn't owe any debt to the caller. Information was gathered and the incident was reported to State and Federal Authorities to hold the scammer accountable.

Kansas Legal Services had a client in who was a single mother not getting much help from the father of her children. While struggling to get by back in 1998, she wrote a couple of bad checks and an overzealous prosecutor charged her with a felony to which she had to plead guilty.

Until recently, that felony sat on her record, keeping her from getting a better job to help support herself and her children. The father still provides only occasional support.

Kansas Legal Services helped her get an expungement of the felony on her record. Now that her

conviction has been expunged, she's already been able to secure a better job and is now happy and financially independent.?

Mary and Don W. are an elderly couple with a mortgage serviced by Nationstar. They took out the mortgage in 2008 and made regular payments. But when Don became sick in 2014, they fell behind on their payments and went into default. They tried to apply for a loan modification in 2015, but were unsuccessful and a petition for foreclosure was filed in 2016.

Mary retained Kansas Legal Services to represent them in the foreclosure. After filing responsive pleadings and serving discovery, Nationstar agreed to process a Home Affordable Modification Program (HAMP) application.

It was a lengthy and time-consuming process. We struggled with Nationstar frequently misplacing paperwork or claiming forms were not returned, only to find the forms had never been sent. Without the assistance of counsel, it was easy to see why Mary and Don had been unsuccessful at their first modification attempt. Kansas Legal Services was able to keep Nationstar accountable during the process and make sure that the modification was properly processed and applied.

Finally, Mary and Don completed their modification trial period and the modification was approved. The foreclosure action was dismissed.

Our client, Monica, incurred a debt for physical therapy services she received from a medical provider. She was making payments towards the debt to the medical provider, but the medical provider still retained C&D Complete Business Solutions to collect the debt from Monica.

C&D sent a demand letter to Monica. But in addition to the debt, they also sought "re-billing" fees and collection fees. Monica owed the medical provider approximately \$550.00. But C&D was seeking to collect additional amounts that rose the debt to over \$1,000.00. C&D also sought additional charges every month for "re-billing." *Monica retained Kansas Legal Services. We requested validation of the debt from C&D. When we reviewed the response, we found multiple misstatements of the debt, attempts to collect unauthorized fees, and failure to give the client full credit for payments she had made.*

We determined that C&D committed two violations of the FDCPA.

- First, C&D sought to collect unauthorized collection fees. Pursuant to the FDCPA, a debt collector may not collect any interest, fee, charge or expense that is not expressly authorized by the agreement or permitted by law. The billing agreement between the medical provider and Monica did not permit collection fees or "re-billing" fees. The fees were also not permitted by law.
- Second, the FDCPA prohibits a debt collector from falsely representing the amount of the debt. By including the fees, C&D falsely represented the amount that Monica owed. C&D also misrepresented the debt by failing to give her credit for payments she had made.

We sent a demand letter to C&D. We demanded they compensate Monica for the FDCPA violations. We argued the repeated misstatements of the debt and the unlawful attempt to double the amount she owed were not bona fide errors but FDCPA violations entitling her to damages.

C&D retained an attorney who contacted us to negotiate a settlement. C&D agreed to pay our client \$1,000.00 for the violations. The client has been able to use the settlement money to satisfy her medical debt, with additional money left over for her other needs.

Please [click here](#) to make a donation online to Kansas Legal Services. Or send a check or money order to:

- Kansas Legal Services
- 712 Kansas Ave., Suite 200
- Topeka, KS 66603

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