JUDGMENT PROOF
SAMPLE LETTERS

Attached to this flyer are sample judgment proof letters for you to use as a guide to draft your own letter. This flyer is not meant as legal advice. You should consult an attorney for all legal advice.

WHAT DOES IT MEAN TO BE JUDGMENT PROOF?
Some kinds of income can not be garnished by creditors. If your income is protected from garnishment and you have no assets (house, property, savings etc.) with which to pay your debt, you may be 'Judgment Proof'.

Income that can NOT be garnished: TANF, GAU, SSI, SSDI, SSA, Food Stamps, child support, pension, etc. Income that can be garnished is wages from employment.

JUDGMENT PROOF LETTERS
- Use the attached letters as a guide to draft your own judgment proof letter.
- Be sure that your name, address, account number and the date appear on your letter.
- Be sure to state that you are exercising your rights under the Fair Debt Collection Practices Act.
- Be sure to state that you want the creditor to stop calling or writing you, or both.
- Include a sentence or two describing why you are judgment-proof. For example: "I am judgment proof because I am living on pension and social security."
- Mail your letter to the correct address. This is often different than the address you mail your payments to. The address for 'correspondence' will likely be found in very small print on the back of your monthly statement.
- Keep a copy of each letter you send for your files.
- Be patient. It can take a few weeks or months for your letter to be processed and for telephone calls from your creditors to stop.
- Be aware that the creditor may sell the debt to a collection agency. The collection agency may start calling or writing to you. The above process will need to be repeated for the collection agency. Send a judgment proof letter to the new collection agency.

ADDITIONAL RESOURCES
- Washington Law Help - www.washingtonlawhelp.org
- Federal Trade Commission - www.ftc.gov
- Neighborhood Legal Clinics - call 206.267.7070, Mon-Thurs, 9 AM – 12 Noon to make an appointment with a volunteer attorney for advice and consultation only.
- CLEAR SR. - Senior citizens can call - 888.387.7111 to speak with an attorney

DATE:

TO:

RE: Account Number _____

      I am disabled and I am unable to work. I recently consulted with an attorney to discuss filing bankruptcy or other possible options to get control of my bills. She helped me write this letter. Right now, I owe a total of _____ to all my creditors including your bill of _____. There is no foreseeable way for me to pay this.

      After reviewing my financial situation, the attorney advised me that I am "judgment proof" - meaning all my assets are exempt from collection under RCW 6.15. I am living on Disability payments. I understand that my creditors may not garnish these payments. I have no other source of income.

      I am requesting that you cease from calling me on the phone which you are required to do by the Fair Debt Collection Act (15 USC Sec. 1692). I have cut up all my credit cards and am sending this letter to each one of my creditors.

      Thank you for your cooperation.

Sincerely,

_____   (Print Name)

_____   (Address)

_____   (City, State, Zip)

DATE: _____

TO: _____

RE: Account Number _____

I am writing to explain the current financial situation for my wife and myself and to request you not to contact us. Right now, we owe a total of _____ to all our creditors including your bill of _____. There is no foreseeable way for us to pay this as my wife and I are elderly and unable to work.

I understand that we are "judgment proof" - meaning all our assets are exempt from collection. We are living on _____/month which comes from SSI and pension and disability payments. I understand that our creditors may not garnish these payments.

I am requesting that you cease from calling us on the phone which you are required to do by the Fair Debt Collection Act (15 USC Sec. 1692). I have cut up all our credit cards and am sending this letter to each one of our creditors.

Thank you for your cooperation.

Sincerely,

_____ (Print Name)

_____ (Address)

_____ (City, State, Zip)