Debt Defense: The Basics

The debt buyer lawsuit

Many lawsuits consumers face involve a "debt buyer" company. These businesses buy the right to sue upon a debt created by the consumer with some other creditor. Debt collector law firms then sue on the debt. In some cases, these collectors might struggle to prove the debt is accurate and truly owed by the consumer to the debt buyer company.

Defendants have rights!

Defendants in debt buyer cases have the right to:

1. Request a continuance to postpone the case to another hearing date.
2. Be properly "served" with the summons and petition;
3. Refuse to settle, and demand instead that the plaintiff prove the case at trial.
4. Seek more information about the debt from the debt collector or debt buyer.

Common defenses in debt buyer lawsuits

1. **Defenses related to debt itself:**
   A. Inaccurate debt information;
   B. Suing on debt that is too old, beyond the statute of limitations;
   C. Suing the wrong person;
2. **Defenses related to the debt purchase or "assignment":**
   A. Weak proof of the right to collect the defendant's particular debt;
   B. Inability to prove the legal assignment to the debt buyer of the right to collect;
3. **Defenses related to the procedures used to sue the consumer:**
   A. Improper service of the summons and petition;
   B. Failure to provide proper information to the defendant;

There are many other defenses and claims against debt buyers. If you settle your case, you may be giving up the chance to defend the lawsuit or prove your claims in court.

Legal Services of Eastern Missouri is a non-profit "legal aid" law firm. We provide **free legal services** to clients who qualify, including debt buyer lawsuit defense. We hope this information is helpful to you,

In the pursuit of justice for all, we are the

Consumer Program
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