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CREDITOR DEBT COLLECTION - RETAINER AGREEMENT DATA
PLEASE PRINT LEGIBLY AND IN BLACK INK

FOR ALL NAMES - PROVIDE LEGAL NAME - FIRST, MIDDLE, LAST + ANY SUFFIX - ie: Jr. or III
ALL CREDITOR INFORMATION IS REQUIRED FOR THE FIRST RETAINER - THEREAFTER ONLY CHANGES ARE NEEDED

CLIENT

Creditor Name _____

Syndication Proprietorship Partnership

Corporation - Colorado Other _____

Limited Partnership - Colorado Other _____

dba _____

Syndication Proprietorship Partnership

Corporation - Colorado Other _____

Limited Partnership - Colorado Other _____

Street Address _____

PO Box Address _____

City, State ZIP _____

Business Phone _____

Business Cell Phone _____

Business Fax _____

Business Email _____

CLIENT

Contact Person _____

Title _____

Ph Contact Person _____

Cell Contact Person _____

Fax Contact Person _____

Email Contact Person _____

Name of person authorized to sign legal pleadings

Title _____

Ph Pleadings Agent _____

Cell Pleadings Agent _____

Fax Pleadings Agent _____

Email Pleadings Agent _____

Notarization State: Colorado Other _____

County: El Paso Teller Other _____

County in which business is located or debt incurred

El Paso Teller Other _____

DATA SUBMISSION ONLY. On behalf of the above creditor, this data sheet is submitted solely for purpose of information to prepare a retainer agreement. Neither obligation nor attorney-client relation shall arise unless a retainer agreement is subsequently executed by both parties. Attorney shall not have been retained for any specific collection matter until creditor has submitted a collection account referral with agreed trust deposit, and attorney shall have sent to creditor an acceptance and confirmation letter.

DATE: _____

Creditor _____

Proposed basis: Contingency Fees Hourly Fees

Charge Card: _____ Account No. _____ Expiration Date: _____

SIGNATURE OF AUTHORIZED AGENT

Title: _____

INSTRUCTIONS FOR SUBSEQUENT COLLECTION ACCOUNT REFERRAL

Please Read Carefully

1. When referring an account for collection, provide an account referral form plus **ORIGINAL DOCUMENTS**, not copies.
 - a. Promissory note, agreement or other written evidence of each debtor's obligation, including sales invoices or other documentation of underlying transaction giving rise to the debt and NSF or closed bank account checks.
 - b. Account receivable ledger or other accounting reflecting all charges, payments or credits since the underlying transaction which gave rise to the debt.
 - c. A collection account referral form is included in the **ATTORNEY DOCUMENTS** page - debt collection section where you found this retainer data form. The notice is password restricted; password to debt collection documents will be sent by email with a PDF file retainer agreement. At that time, you may print the document as hardcopy to be retained in file, or you may return to my website for each individual collection referral.
2. If the reason for the underlying debt or charges are not clear from the documents, on the referral form you submit, explain or on a separate piece of paper explain the debt clearly. Not only I must understand, so must the debtor and judge or jury.
3. Regarding co-maker(s), an executed guarantee must have been obtained and a notice to co-makers must have been conspicuously given to the guarantor at the time of the initial transaction underlying the debt.
 - a. If you intend to file suit against a co-maker, the notice and guarantee documents must be included in the documents forwarded to counsel.
 - b. If not, I will not name a co-maker as a co-defendant. To do otherwise would be to invite frivolous suit claim for punitive sanction, including award of co-defendant's attorney's fees and costs of defense.
 - c. For the next incapacitated or insolvent debtor, obtain signatures on a co-maker guarantee and a notice to co-makers. If you do not have such documents, a client may contact me for drafting.
4. If you claim the debtor's spouse is liable for the debt and liability is not clear from your documents, explain your reasons. Example: family purpose doctrine necessity such as medical or hospital expenses.
5. **CONSUMER CREDIT TRANSACTION.** A notice to cure must be given to a consumer credit transaction debtor if the debt is payable in five or more installment or periodic payments. This should be done by creditor before referral for litigation. Please refer to the **PRELIMINARY MATTERS** page contained in **DEBT COLLECTION** - www.gustafsonlaw.com.
 - a. Included in the **ATTORNEY DOCUMENTS** page - debt collection section where you found this retainer data form, you will find a notice to cure document. The file is password restricted - password to debt collection documents will be sent by email with a PDF file retainer agreement. You may print the document as a hardcopy example. The text is sufficient to meet your legal notice requirement. All information contained in the document must be included to constitute proper notice. Do not edit the content or add additional verbiage except to insert dates, identities, addresses, account numbers, and amounts.
 - b. The notice to cure may not be initiated until the consumer is ten days in default.
 - c. Notice should be sent **BOTH** USPS regular mail and USPS certified mail.
 - d. The consumer has twenty days from receipt of notice to cure the default by paying the past due amount.
 - e. Creditor should not refer the account to counsel for litigation until the 20 days cure period has elapsed.
 - f. After the notice to cure period has elapsed, client may refer the matter to counsel for litigation
 - g. With initial documents, creditor should forward a copy of the notice to cure, post office certified mailing receipt and the USPS green card evidencing receipt or the refused returned mail.
6. At commencement of initial communications, counsel must provide a consumer credit transaction debtor with a validation of debt letter. Unfortunately, this will delay commencement of litigation for another 30 days after consumer's receipt. Similar to creditor's notice of right to cure, counsel will send the validation of debt letter to debtor by both USPS regular mail and USPS certified mail. Upon expiration of the 30 day statutory period, litigation will be initiated.

7.
 - a. If this case involves an NSF check or closed bank account check, to be eligible for treble (triple) damages, client must first provide a demand and notice to the maker of the check.
 - b. Included in the **ATTORNEY DOCUMENTS** page - debt collection section where you found this retainer data form, you will find an NSF check demand & notice. The file is password restricted - password to debt collection documents will be sent by email with a PDF file retainer agreement. You may print the document as a hardcopy example. The text is sufficient to meet your legal notice requirement. All information contained in the document must be included to constitute proper notice. Do not edit the content or add additional verbiage except to insert dates, identities, addresses, account numbers, and amounts.
 - c. The demand and notice should be sent immediately upon receipt of the returned check.
 - d. Notice should be sent **BOTH** USPS regular mail and USPS certified mail.
 - e. The maker has fifteen days from receipt of notice to avoid punitive treble (triple) damages by payment of the total amount of the the bad check.
 - f. Creditor should not refer the account to counsel for litigation until the 15 days cure period has elapsed.
 - g. After the NSF cure period has elapsed, client may refer the matter to counsel for litigation, including possible demand for judgment in the sum of three times the amount of the check, but not less than \$100.