

DCSD

April 2009



Debt Counsel for Seniors & the Disabled

SENIORS' HARDSHIPS TO BE EASED IN MAY

One month to go until President Obama's economic stimulus designed for seniors goes into effect. While workers of all ages will be eligible for the new president's stimulus package, which passed into law in January, the folks who are on Social Security will receive an additional "senior payment" of \$250 per person. Eligible seniors include veterans, the disabled and people who receive SSI benefits. Couples are eligible for \$500 as long as both partners receive some form of Social Security.

More good news – seniors won't have to lift a finger to claim the money, unlike last year with Bush's 2008 stimulus rebate. It will arrive via check or direct deposit depending upon how the individual receives his or her Social Security benefits. The only people who may have to fill out some paperwork are the retired federal and state employees who do not receive Social Security – they may have to file 2009 tax returns next year.

WHAT IF SOMETHING HAPPENS TO YOU? WHAT HAPPENS TO YOUR DEBT?

What happens to a debt after the owner dies? Unfortunately, it doesn't just go away, and often-times bereaved family members are left with the extra burden of dealing with collectors calling for payment on those debts. These harassing phone calls only serve to heighten the emotional distress of the situation when the family has not cosigned for the incurred debt.

If you have not cosigned for your loved one's debt, you are not responsible for repaying it. If you have, then collectors will take the appropriate means of obtaining payment. As the surviving spouse, you may be responsible for the debt incurred by your husband or wife, but this depends on state law. Call us and we will help you sort things out. In addition to collectors, also be wary of scam artists who peruse the obituaries looking for families of the recently deceased. If you believe yourself or your family is being harassed by collectors for debt you are not responsible for, please call us.

Remember, if you did not cosign for the debt of your deceased loved one, you are not responsible for repaying and, under no means, should. You may be responsible for your spouse's debt depending on state law. Call us or have your relatives call us and we can help you sort through this burden - (312) 939-2221 ext. 1007.

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We are looking for the following types of cases:

- **“Balance transfers” of defaulted debts, mostly out of statute.** We have some new theories for attacking this practice and are looking for cases in which debt collectors offer to transfer delinquent debts to a new credit card. Investigation of the relationship between the parties involved is required.
- **ATM machines:** You cannot be charged a fee for using and ATM machine operated by someone other than your bank unless there is a notice posted on or next to the ATM stating that fees may or will be charged for use of the machine. This is in addition to the notice on the screen, which must state whether a fee will be charged for the particular transaction and its amount. The amount need not be stated on the outside of the machine, but if an amount is stated, it has to be correct.

We have filed these cases in Illinois and New York. We filed some in Massachusetts and got bad rulings. The way ATMs are located in New York (in remote locations, often in conjunction with non-bank businesses) seems to produce a disproportionate number of noncomplaint ATMs there. An ATM receipt and a series of clear pictures of the machine and its surroundings are needed. If the problem is with the screen message, we need a picture of the screen.
- **Credit/debit card receipts:** We are looking for computer-generated credit/debit card receipts (a) issued after June 3, 2008 with expiration date or (b) issued after December 4, 2006 with more than the last 5 numbers. Internet receipts do not count.

These are only good cases in the 7th Circuit (Illinois, Indiana, Wisconsin), 2nd Circuit (New York and Connecticut) and possibly the 6th Circuit (Michigan, Ohio, Kentucky and Tennessee). They should not be filed elsewhere; certification has been denied in the 5th, 11th and 9th Circuits. We have filed them in Illinois, Indiana, New York and Michigan.
- **Unsolicited advertising faxes and text messages.** We are filing an increasing number of “junk fax” cases and some spam text message cases. Only a small proportion are good cases but there have been six- and seven-figure recoveries. There are only a few jurisdictions where these are worth filing. For example, they cannot be filed as a class-action in New York or Massachusetts. We have filed them in Illinois and Indiana.
- **Purchasers of prepaid calling cards** which do not clearly disclose all fees and charges.

LOOKING FOR EXTRA \$\$\$\$ - READ BELOW!

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Please fill in all areas so we can get in touch with you:

Name: _____

Address: _____

City: _____ State: _____ ZIP: _____

Please provide details of route: _____

Return to: Senior Educational Resource Center, Ltd.
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