

Michael Fuller, Oregon Bar No. 09357

Special Counsel for Debtor

Olsen Daines PC

US Bancorp Tower

111 SW 5th Ave., 31st Fl.

Portland, Oregon 97204

michael@underdoglawyer.com

Direct 503-201-4570

UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF OREGON

In re

**Jose Loreto Echeagaray Rivera
aka Loreto Echeagaray
aka Rivera J. Echeagaray**

Debtor.

Case No. 12-38328-tmb7

**DEBTOR'S MOTION FOR ORDER OF
CONTEMPT AND JUDGMENT
AGAINST MACY'S CORPORATE
SERVICES, INC.**

Discharge Injunction Violation

Oral Argument Requested

Evidentiary Hearing Requested

MOTION

Pursuant to 11 U.S.C. §§ 105 and 524 and this Court's inherent power, debtor moves for an order of contempt and judgment against Macy's Corporate Services, Inc. ("creditor") based on clear and convincing evidence that after receiving notice of the discharge order, creditor continued to demand payment of its pre-petition debt from debtor, and repeatedly engaged various collectors to harass debtor with demand letters. [Ex. 1]

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MACY'S CORPORATE SERVICES, INC. - Page 1 of 8**

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PRAYER FOR RELIEF

Pursuant to LBR 9020-1, debtor prays for damages and relief as follows:

- A. IT IS ORDERED** that creditor is held in contempt of the discharge injunction;
- B. IT IS ORDERED AND ADJUDGED** that creditor must reimburse the law firm of Olsen Daines PC for its reasonable attorney fees and costs in this contempt proceeding;
- C. IT IS ORDERED AND ADJUDGED** that creditor must pay debtor compensatory damages and/or mild sanctions of not more than \$95,000.00; and

QUESTION TO BE DECIDED

Does clear and convincing evidence prove that creditor willfully violated this Court's discharge order entered February 14, 2013? (Yes)

RELEVANT FACTS

A. Bankruptcy Protection

On November 2, 2012, debtor commenced a bankruptcy case under Chapter 7. [Doc. #1]
Creditor was listed in debtor's schedules and received notice of the case from the bankruptcy noticing center. [Doc. #6]

B. Discharge Order

On February 14, 2013, this Court entered a discharge order, extinguishing debtor's personal liability to pay creditor's pre-petition debt. [Doc. #29]

Creditor received actual notice of the discharge order from the bankruptcy noticing center. [*Id.*]

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C. Harassment After Bankruptcy

After receiving notice of the discharge order, creditor continued to collect on its debt, and repeatedly engaged various collectors to harass debtor with demand letters. [Ex. 1]

Debtor intends to testify at evidentiary hearing about the severe ongoing emotional harm creditor's willful discharge violation caused him. [Fuller decl. ¶ 2]

LEGAL POINTS AND AUTHORITIES

A. Authority to Enforce the Discharge Order

Section 105 of Title 11 empowers bankruptcy courts to issue orders and judgments as necessary to enforce section 524's discharge order provisions.

Bankruptcy courts also possess inherent powers to sanction wrongful practices, so long as the sanctions don't contravene express Code provisions. *Law v. Siegel*, 134 S. Ct. 1188, 1194 (2014); *In re Wallace*, BAP No. NV-13-1518-JuHlPa (9th Cir. BAP Sept. 18, 2014).

B. Assigning Pre-Petition Debts to Collection Agencies After Bankruptcy Violates the Discharge Injunction

Courts across the country have uniformly held creditors in contempt for assigning discharged debts to collection agencies after bankruptcy. *See, e.g., In re Laboy*, 2010 Bankr. LEXIS 345 (Bankr. D.P.R. Feb. 2, 2010) (denying motion to dismiss § 524 claim based on creditor's post-discharge assignment of debtor's account to a collection agency); *In re Nassoko*, 405 B.R. 515 (Bankr. S.D.N.Y. 2009) (denying motion to dismiss contempt claim based on creditor's assignment of discharged debt to third party collector after bankruptcy); *In re Faust*, 270 B.R. 310 (Bankr. M.D. Ga. 1998) (holding creditor in contempt based on its assignment of

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discharged debt to collection agency after bankruptcy); *In re Lafferty*, 229 B.R. 707 (Bankr. N.D. Ohio 1998) (creditor held in contempt of discharge injunction by referring debtor's account to a collection agency after bankruptcy), etc.

Section 524 provides for a broad injunction to ensure debtors receive a fresh start. Alan N. Resnick & Henry J. Sommer, 4 Collier on Bankruptcy ¶524.02[2] (16th ed. 2012). “Given its important role in achieving the Bankruptcy Code’s overall policy aim of giving a debtor a ‘fresh start,’ § 524(a)(2) is an expansive provision that is sensitive to the diversity of ways a creditor might seek to collect a discharged debt.” *Green Point Credit, LLC v. McLean (In re McLean)*, 794 F.3d 1313, 1321 (11th Cir. 2015).

Legislative history demonstrates that the purpose of the discharge order was to “eliminate any doubt concerning the effect of the discharge as a total prohibition on debt collection efforts.” H.R. Rep. No. 95-595, at 365-66 (1977), as reprinted in 1978 U.S.C.C.A.N. 5963, 6321. The discharge injunction “is intended to insure that once a debt is discharged, the debtor will *not be pressured in any way* to repay it. In effect, the discharge extinguishes the debt, and creditors may not attempt to avoid that.” *Id.* at 366 (emphasis added).

C. Enforcement of the Discharge Order

In the Ninth Circuit, debtors must enforce discharge orders by filing motions for contempt. *Walls v. Wells Fargo Bank, N.A.*, 276 F.3d 502, 506-07 (9th Cir. 2002); *Barrientos v. Wells Fargo Bank*, 633 F.3d 1186, 1191 (9th Cir. 2011); Fed. R. Bnkr. P. 9020.

**DEBTOR’S MOTION FOR ORDER OF CONTEMPT AND JUDGMENT AGAINST
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D. Elements of Contempt

Contempt requires proof a creditor (1) had knowledge of a bankruptcy court order and (2) intended conduct that violated the order. *ZiLOG, Inc. v. Corning*, 450 F.3d 996, 1007 (9th Cir. 2006).

E. Legal Standard for Contempt

To recover sanctions against a creditor, a violation must be proved with clear and convincing evidence. *Renwick v. Bennett, (In re Bennett)*, 298 F.3d 1059, 1069 (9th Cir. 2002).

Creditors are generally entitled to an evidentiary hearing as to whether they received actual notice of a court order. *Yen v. Pedroche (In re Pedroche)*, 2014 Bankr. LEXIS 4689 (9th Cir. BAP Nov. 10, 2014).

F. Sanctions for Contempt

Willful violations of court orders entitle aggrieved debtors to compensatory sanctions including actual damages, punitive damages, and reimbursed fees and costs. *Espinosa v. United Student Aid Funds*, 553 F.3d 1193, 1205, n.7 (9th Cir. 2008) (citing 2 *Collier Bankruptcy Manual* (3d rev. ed.) ¶ 524.02[2][c]).

1. Compensation for emotional harm

A debtor is entitled to recover compensation for emotional harm resulting from a violation, even in the absence of any economic loss. *In re Feldmeier*, 335 B.R. 807, 813-814 (Bankr. D. Or. 2005) (awarding emotional harm damages under section 524 without any economic loss); *In re Culpepper*, 481 B.R. 650, 655 (Bankr. D. Or. 2012) (*aff'd*, Mosman, J.) (same).

**DEBTOR'S MOTION FOR ORDER OF CONTEMPT AND JUDGMENT AGAINST
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2. Compensation for expenses

Civil contempt compensation includes an award of reasonable attorney's fees incurred during the entirety of the contempt proceedings – even those incurred after the violation is remedied. *In re Segal*, BAP No. CC-14-1175-KuPaTa, pg. 19 (9th Cir. BAP Jan. 29, 2015); *In re Culpepper*, 2013 Bankr. LEXIS 541, 2013 WL 501662 (Bankr. D. Or. Feb. 11, 2013).

3. Remedial sanctions

Bankruptcy courts maintain inherent authority to deter future violations through mild sanctions. *Knupfer v. Lindblade (In re Dyer)*, 322 F.3d 1178, 1197 (9th Cir. 2003).

ARGUMENT

This Court should hold creditor in contempt of the discharge order because clear and convincing evidence shows:

- (1) creditor received actual notice of this Court's February 14, 2013 discharge order from the bankruptcy noticing center [Doc. #29], and the discharge order was unambiguous and should be familiar to creditor, and
- (2) creditor's post-discharge harassment, including direct demands for payment [Ex. 1, pg. 7, demanding payment of pre-petition debt by March 22, 2013] and assignment of debtor's account to collections [Ex. 1, pg. 1, December 4, 2015 demand letter stating "This company has been engaged by Macy's to resolve your delinquent debt..."] constituted coercive attempts to collect debt discharged in bankruptcy, in willful violation of this Court's discharge order.

**DEBTOR'S MOTION FOR ORDER OF CONTEMPT AND JUDGMENT AGAINST
MACY'S CORPORATE SERVICES, INC. - Page 6 of 8**

Olsen Daines PC
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CONCLUSION

For the reasons above, after creditor is given notice and opportunity to appear at an evidentiary hearing, debtor respectfully requests this Court grant his motion for contempt. Debtor also moves for any other equitable relief that this Court may determine is fair and just.

Upon discovery of evidence surrounding the assignment of his debt in this case, debtor reserves his right and may intend to file separate actions against Department Stores National Bank and Capital Management Services, LP.

DATED: January 18, 2016

RESPECTFULLY FILED,

/s/ Michael Fuller

Michael Fuller, Oregon Bar No. 09357

Special Counsel for Debtor

Olsen Daines PC

US Bancorp Tower

111 SW 5th Ave., 31st Fl.

Portland, Oregon 97204

michael@underdoglawyer.com

Direct 503-201-4570

**DEBTOR'S MOTION FOR ORDER OF CONTEMPT AND JUDGMENT AGAINST
MACY'S CORPORATE SERVICES, INC. - Page 7 of 8**

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111 SW 5th Ave., 31st Fl.
Portland, Oregon 97204

CERTIFICATE OF SERVICE

I certify that on the date below I caused this document and all attachments to be delivered to the following persons by USPS first class regular and certified mail, return receipt requested, postage pre-paid:

**Macy's Corporate Services, Inc.
c/o R.A. Corporation Service Company
985 Liberty St NE
Salem, Oregon 97301**

DATED: January 18, 2016

/s/ Michael Fuller
Michael Fuller, Oregon Bar No. 09357
Special Counsel for Debtor
Olsen Daines PC
US Bancorp Tower
111 SW 5th Ave., 31st Fl.
Portland, Oregon 97204
michael@underdoglawyer.com
Direct 503-201-4570

**DEBTOR'S MOTION FOR ORDER OF CONTEMPT AND JUDGMENT AGAINST
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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re

**Jose Loreto Echeagaray Rivera
aka Loreto Echeagaray
aka Rivera J. Echeagaray**

Debtor.

Case No. 12-38328-tmb7

DECLARATION OF MICHAEL FULLER

**IN SUPPORT OF DEBTOR'S MOTION
FOR ORDER OF CONTEMPT AND
JUDGMENT AGAINST MACY'S
CORPORATE SERVICES, INC.**

DECLARATION

I, Michael Fuller, declare the following under penalty of perjury to be used as evidence in court:

1. I know the facts I am testifying about based on my personal knowledge.
2. Debtor intends to testify at evidentiary hearing about the severe ongoing emotional harm creditor's willful discharge violation caused him. The documents attached as exhibit 1 are true and correct copies of demand letters my client has received from various collectors after entry of the discharge order in his bankruptcy case.
3. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

DATED: January 18, 2016

/s/ Michael Fuller
Michael Fuller, Oregon Bar No. 09357
Special Counsel for Debtor

698 1/2 SOUTH OGDEN STREET
BUFFALO, NY 14206-2317

CASE NUMBER 12-38328 E1P7



Reference# 099996464

CAPITAL MANAGEMENT SERVICES, LP
698 1/2 South Ogden Street Buffalo, NY 14206-2317
Office Hours: M-F 8 am - 9 pm ET
Sat 8 am - 1 pm ET
Toll Free: 1-877-211-9175, Fax: 716-512-6046



T114 P3*****AUTO**3-DIGIT 972

Rivera Echeagaray
16400 NE LAS BRISAS CT APT 13
PORTLAND, OR 97230-5080

Original Creditor: (DSNB) Department Store National Bank
Current Creditor: (DSNB) Department Store National Bank
Description: Macy's
Account #: XXXXXXXXXXXX4850
AMOUNT ENCLOSED: _____
Amount of Debt: \$1708.60

PLEASE DETACH AND RETURN TOP PORTION WITH PAYMENT TO ADDRESS LISTED BELOW

Dear Rivera Echeagaray:

December 04, 2015

This company has been engaged by Macy's to resolve your delinquent debt of \$1708.60.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice this office will provide you with the name and address of the original creditor, if different than the current creditor.

You may contact Capital Management Services, LP. at 698 1/2 South Ogden Street, Buffalo, NY 14206-2317 or call 1-877-211-9175 Mon. through Fri. 8 am to 9 pm ET, Sat. 8 am to 1 pm ET. Please submit your payment and make your check or money order payable to DSNB to the address listed below. Payments and correspondence should be mailed to: Capital Management Services, LP, P.O. Box 120, Buffalo, NY 14220-0120. Overnight deliveries should be addressed to: Capital Management Services, LP., 698 1/2 South Ogden Street, Buffalo, NY 14206-2317. You may also make payments online at: www.cms-trans.com.

This is an attempt to collect a debt; any information obtained will be used for that purpose. This communication is from a debt collector.



Rivera Echeagaray
16400 NE Las Brisas Ct Apt 13
Portland, OR 97230-5080



7322 Southwest Freeway Suite 1600
Houston, TX 77074-2053

MON thru THU 8:00A.M. until 9:00P.M. CT
FRI 8:00A.M. until 5:00P.M. CT
SAT 8:00A.M. until 12:00 Noon CT

Toll Free: 1-800-741-2100

Phone: (713) 773-3100

Fax: (713) 414-2126

CREDITOR:
DEPARTMENT STORE NATIONAL BANK
MACY'S
CREDITOR ACCOUNT #:
XXXXXXXX5485

LTD REF NO: DS2 018243870
BALANCE: \$1,708.60

November 4, 2013

***** SETTLEMENT IN FULL OFFER *****

This letter is from LTD Financial Services, L.P., a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose. Acceptance of this settlement offer, selecting a repayment option and payment by the due date will satisfy this debt with the current creditor.

PAYMENT PLAN 1

Make 1 payment of \$1,196.02 due
11/27/2013.

YOU SAVE:
\$512.58

PAYMENT PLAN 2

Make 6 payments of \$213.58 with the
first payment due 11/27/2013.
Successive payments are due the 27th
of each month.

YOU SAVE:
\$427.12

If you need information, please call today at 1-800-741-2100. We are not obligated to renew this offer.

Visit <https://payments.ltdfin.com> to pay online.

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION

▲ Tear along dotted line ▲

7322 Southwest Freeway Suite 1600
Houston, TX 77074-2053



LTD REF NO: DS2 018243870
CREDITOR ACCOUNT #: XXXXXXXX5485

BALANCE: \$1,708.60

*Please make check payable to
DSNB*

LTDF / A3 / 664056110086

95287 / 000047644 / 000000189



Rivera Echeagaray
16400 NE Las Brisas Ct Apt 13
Portland, OR 97230-5080

Our TOLL FREE Number is 1-800-741-2100

CALIFORNIA NOTICE OF RIGHTS

The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov.

COLORADO NOTICE OF RIGHTS

If a consumer notifies a debt collector or collection agency in writing that the consumer refuses to pay a debt or that the consumer wishes the debt collector or collection agency to cease further communication with the consumer, the debt collector or collection agency shall not communicate further with the consumer with respect to such debt, except to advise the consumer that the debt collector's or collection agency's further efforts are being terminated; notify the consumer that the collection agency or creditor may invoke specified remedies that are ordinarily invoked by such collection agency or creditor, or notify the consumer that the collection agency or creditor intends to invoke a specified remedy. If such notice from the consumer is made by mail, notification shall be complete upon receipt. For information about the Colorado Fair Debt Collection Practices Act, see: www.coloradoattorneygeneral.gov/ca

Our Colorado Address is 717 17th Street, Suite 2300, Denver, CO 80202 toll free at 1-866-436-4766.

MASSACHUSETTS NOTICE OF RIGHTS

You have the right to make a written or oral request that telephone calls regarding your debt not be made to you at your place of employment. Any such oral request will be valid for only ten (10) days unless you provide written confirmation of the request postmarked or delivered within seven (7) days of such request. You may terminate this request by writing to the debt collector.

MINNESOTA NOTICE OF RIGHTS

This collection agency is licensed by the Minnesota Department of Commerce.

NORTH CAROLINA NOTICE OF RIGHTS

North Carolina Department of Insurance Permit Number 101449 (HOUSTON Office) and 4372 (SAN ANTONIO Office)

NEW YORK NOTICE OF RIGHTS

City of New York License # 1040646 (HOUSTON Office) and 1232423 (SAN ANTONIO Office)

City of Buffalo License # 203711

TENNESSEE NOTICE OF RIGHTS

LTD Financial Services, L.P. is licensed by the Collection Service Board of the Department of Commerce and Insurance, 500 James Robertson Pkwy, Nashville, TN 37243.

WISCONSIN NOTICE OF RIGHTS

This collection agency is licensed by the Division of Banking, P.O. Box 7876, Madison, Wisconsin 53707.

If you have a complaint or concern with the way we are collecting this debt, please contact our Customer Care Department at 7322 Southwest Freeway Suite 1600, Houston, TX 77074-2053, email customercare@ltdfin.com, or toll-free at 1-866-310-9845.

LTD FINANCIAL SERVICES, L.P.
P.O. BOX 630788
HOUSTON, TX 77263-0788

Rivera Echeagaray
16400 NE Las Brisas Ct Apt 13
Portland, OR 97230-5080



7322 Southwest Freeway Suite 1600
Houston, TX 77074-2053

MON thru THU 8:00A.M. until 9:00P.M. CT
FRI 8:00A.M. until 5:00P.M. CT
SAT 8:00A.M. until 12:00 Noon CT

Toll Free: 1-800-741-2100
Phone: (713) 773-3100
Fax: (713) 414-2126

CREDITOR:
DEPARTMENT STORE NATIONAL BANK
MACY'S
CREDITOR ACCOUNT #:
XXXXXXXX5485

LTD REF NO: DS2 018243870
BALANCE: \$1,708.60

September 17, 2013

***** SETTLEMENT IN FULL OFFER *****

This letter is from LTD Financial Services, L.P., a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose. Acceptance of this settlement offer, selecting a repayment option and payment by the due date will satisfy this debt with the current creditor.

PAYMENT PLAN 1

Make 1 payment of \$1,196.02 due
10/01/2013.

YOU SAVE:
\$512.58

PAYMENT PLAN 2

Make 3 payments of \$427.15 with the
first payment due 10/01/2013.
Successive payment are due the 1st of
each month.

YOU SAVE:
\$427.15

If you need information, please call today at 1-800-741-2100. We are not obligated to renew this offer.

Visit <https://payments.ltdfin.com> to pay online.

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION

▲ Tear along dotted line ▲

7322 Southwest Freeway Suite 1600
Houston, TX 77074-2053



LTD REF NO: DS2 018243870
CREDITOR ACCOUNT #: XXXXXXXX5485

BALANCE: \$1,708.60

*Please make check payable to
DSNB*

LTDF / A3 / 66405222539

24297 / 000012149 / 000000057



Rivera Echeagaray
16400 NE Las Brisas Ct Apt 13
Portland, OR 97230-5080

Our TOLL FREE Number is 1-800-741-2100

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If a consumer notifies a debt collector or collection agency in writing that the consumer refuses to pay a debt or that the consumer wishes the debt collector or collection agency to cease further communication with the consumer, the debt collector or collection agency shall not communicate further with the consumer with respect to such debt, except to advise the consumer that the debt collector's or collection agency's further efforts are being terminated; notify the consumer that the collection agency or creditor may invoke specified remedies that are ordinarily invoked by such collection agency or creditor, or notify the consumer that the collection agency or creditor intends to invoke a specified remedy. If such notice from the consumer is made by mail, notification shall be complete upon receipt. For information about the Colorado Fair Debt Collection Practices Act, see: www.coloradoattorneygeneral.gov/ca

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WISCONSIN NOTICE OF RIGHTS

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If you have a complaint or concern with the way we are collecting this debt, please contact our Customer Care Department at 7322 Southwest Freeway Suite 1600, Houston, TX 77074-2053, email customercare@ltdfin.com, or toll-free at 1-866-310-9845.

LTD FINANCIAL SERVICES, L.P.
P.O. BOX 630788
HOUSTON, TX 77263-0788

Rivera Echeagaray
16400 NE Las Brisas Ct Apt 13
Portland, OR 97230-5080

MICHAEL FOLKER
CASE NUMBER 12-38328 EIP7



7322 Southwest Freeway Suite 1600
Houston, TX 77074-2053

MON thru THU 8:00A.M. until 9:00P.M. CT
FRI 8:00A.M. until 5:00P.M. CT
SAT 8:00A.M. until 12:00 Noon CT

Toll Free: 1-800-741-2100

Phone: (713) 773-3100

Fax: (713) 414-2126

CREDITOR:
DEPARTMENT STORE NATIONAL BANK
MACY'S
CREDITOR ACCOUNT #:
XXXXXXXX5485

LTD REF NO: DS2 018243870
BALANCE: \$1,708.60

August 8, 2013

Dear Rivera Echeagaray,

Your account with the above named creditor has been placed with LTD Financial Services, L.P., a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment, if any, and mail you a copy of such verification or judgment. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

You may call this office to discuss this debt at 1-800-741-2100. Please refer to the reference number above.

Visit <https://payments.ltdfin.com> to pay online.

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION

▲ Tear along dotted line ▲

7322 Southwest Freeway Suite 1600
Houston, TX 77074-2053



LTD REF NO: DS2 018243870
CREDITOR ACCOUNT #: XXXXXXXX5485

BALANCE: \$1,708.60

*Please make check payable to
DSNB*

LTDF / A1 / 664046219187

69145 / 000044573 / 000000184



Rivera Echeagaray
16400 NE Las Brisas Ct Apt 13
Portland, OR 97230-5080

Our TOLL FREE Number is 1-800-741-2100

star REWARDS



Macy's Star Rewards account statement

For the period ending Feb 22, 2013 • Days in billing cycle: 31
Questions or lost/stolen card? Call Customer Service 1-503-617-6999
Go to macys.com/mymacyscard to manage and pay your account online.

RIVERA ECHEAGARAY
Account number: 43-216-725-485-0
Page: 1 of 4

Summary of account activity

Previous Balance	\$1,574.36
Payments	\$0.00
Other credits/adjustments	\$0.00
Purchases	\$0.00
Fees charged	+\$35.00
Interest charged	+\$33.09

Total New Balance **\$1,642.45**

Past due amount \$376.00

Payment Information

Total New Balance **\$1,642.45**
Minimum Payment Due **\$465.00**
Payment Due Date **Mar 22, 2013**

Late Payment Warning: If we do not receive your minimum payment by the date listed above, you may have to pay a Late Payment Fee of up to \$35.00.

Minimum Payment Warning: If you make only the minimum payment each period, you will pay more in interest and it will take you longer to pay off your balance. For example:

If you make no additional charges using this card and each month you pay...	You will pay off the balance shown on this Statement in about...	And you will end up paying an estimated total of...
Only the minimum payment	9 years	\$3,518
\$65	3 years	\$2,335 (Savings = \$1,183)

If you are experiencing financial difficulty and would like information about credit counseling or debt management services, you may call 1-877-337-8187.

Account Type summary	Revolving	Total
New Balance	\$1,642.45	\$1,642.45
Minimum Payment Due	\$465.00	\$465.00
Credit Limit	\$0.00	
Credit Available	\$0.00	

Please tear off and return the slip with your payment. Be sure to write your account number on the front of your check and make your check payable to Macy's. You can pay at any Macy's store, online at macys.com/mymacyscard, or by mail. Payments received by 5:00 pm local time at the address shown on this Statement will be credited as of the date received.



Payment slip

The creditor is Department Stores National Bank.

☐ New address or phone number?
Go to macys.com/mymacyscard or use the reverse side.

Account number: 43-216-725-485-0

Payment Due Date	Total New Balance	Minimum Payment Due
Mar 22, 2013	\$1,642.45	\$465.00

Refer to back of Statement for information on "How Payments Are Applied".

Amount enclosed:

\$

00007203 0 000 066 KSTE61H2 AM1 2 415 61-06,5

RIVERA ECHEAGARAY
16400 NE LAS BRISAS CT
APT 13
PORTLAND, OR 97230-5080

PO BOX 689195
DES MOINES IA 50368-9195

star REWARDS



RIVERA ECHEAGARAY

Page 3 of 4

Fees

Feb 22	LATE PAYMENT FEE - Revolving	\$35.00
	TOTAL FEES FOR THIS PERIOD	\$35.00

Interest Charged

Feb 22	INTEREST CHARGE - Revolving	\$33.09
	TOTAL INTEREST FOR THIS PERIOD	\$33.09

2013 Totals Year-to-Date

Total fees charged in 2013	\$70.00
Total interest charged in 2013	\$61.78

Go to macys.com/mymacyscard to view previous transactions and statements.**Interest Charge Calculation**

Your Annual Percentage Rate (APR) is the Annual Interest Rate on your Account.

Type of Balance	Annual Percentage Rate (APR)	Balance Subject to Interest Rate	Interest Charge
Revolving	24.50% (v)	\$1,590.31	\$33.09

(v) - Variable Rate

57002415007740002

NYNY-ANNEX-MAIN-MAIN

MICHAEL FULLER

CASE NUMBER 12-38328 EIP T

43312 0002687 001
RIVERA ECHEAGARAY
16400 NE LAS BRISAS CT
APT 13
PORTLAND OR 97230

March 1, 2013

Account Number ending in: 5485

Dear Rivera Echeagaray:

So you are probably wondering why we just paid to overnight you this one sheet of paper. Honestly, it is because we have not been able to contact you for some time and need you to call us so we can help you.

We would really like to have the opportunity to share with you a variety of solutions that may help you through whatever financial difficulty you may be experiencing. Please call us and we may be able help you bring your account back from delinquency.

Simply put, we offer a number of temporary and permanent options you may be eligible for, including:

- ❖ Settling for less than the total balance**
- ❖ Lowering your interest rate to reduce interest charges if you qualify for a forbearance program**
- ❖ Lowering your monthly payment**

The sooner you call, the sooner we can explain how we can help.

**We are available to talk 7 days a week at 1-866-535-6856*
TDD # 1-800-281-0820**

Hours of operations:

Monday-Saturday 9:00 a.m. - 9:00 p.m. EST

Sincerely,

**A. Powell
Sr. Vice President
Collections Director Citi Cards,
Servicer for Department Stores National Bank**

The Macy's Card is issued by Department Stores National Bank.

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

***Calls are randomly monitored and recorded to ensure quality service.**

PLEASE SEE REVERSE SIDE FOR IMPORTANT INFORMATION

**0020-Macy's
Ex. 1 - Page 9 of 10**

5800 North Course Drive
Houston, Texas 77072

CASE NUMBER 12-38328-FH7

UNITED RECOVERY SYSTEMS

WWW.URSI.COM

2/27/2013

Address Service Requested

#BWNFTZF #JHS66516813130231

26304516

Rivera-Echeagaray

16400 NELAS BRISAS CT APT F3
PORTLAND, OR 97230-5080

Creditor: Department Store National Bank
Account No: XXXX XXXX5485
Amount Due: \$1,542.75 as of 2/27/2013
Telephone: 866-768-4068 ext 4987
Account Number Masked for Your Security

United Recovery Systems, LP

P.O. Box 721168

Houston, TX 77272-1168

Please detach at perforation and return with your payment

YOUR DELINQUENT ACCOUNT HAS BEEN REFERRED TO THIS OFFICE FOR COLLECTION

Your Macy's West account has been placed in our office for collections. Please remit payment in full of any undisputed amount payable to our client in the enclosed envelope.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within the thirty day period that the debt or any portion thereof is disputed, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you the name and address of the original creditor if different from the current creditor.

We trust that your intention is to address this long overdue debt. If you wish to make payment arrangements you can call our office 24 hours a day at 866-768-4068 Ext. 4987 so we can assist you in resolving this matter. As of the date of this letter you owe the amount stated above. Because your account may accrue interest, late charges and other charges that may vary from day to day, the amount due on the date you pay may be greater. If you pay the amount above an adjustment may be necessary after we receive your check. If so, we will contact you. For further information about your balance please call your account representative.

This communication is from a debt collector. We are required to inform you that this is an attempt to collect a debt, and any information obtained will be used for this purpose.

Sincerely,

MRS W WHITE

866-768-4068 ext 4987

United Recovery Systems, LP

P.O. Box 722929

Houston, TX 77272-2929

Traducción en español
al lado reverso

If you write to us and ask us to stop communicating with you about this debt, we will, but if you owe this debt, you will still owe it and the debt may still be collected from you. If you have a complaint about the way we are collecting this debt, you may write to our Contact Center, 5800 North Course Drive, Houston, TX 77072 or call us toll-free at (800) 326-8040 between 9:00 A.M. CST and 5:00 P.M. CST Monday-Friday.