

The transcript of the 7/5/06 collection call by James Hurd, Focus Receivables Management:

Baker: Christine Hello?

Hurd: Yes, Christina please.

Baker: This is Christine.

Hurd: I was calling about your DirecTV account, ma'am, this is Jim, from Focus Receivables, there is a balance of \$250 left on your account. We were wondering if you had any intention of paying the bill.

Baker: No.

Hurd: And why is that?

Baker: Because I don't owe it. As a matter of fact, they owe me money.

Hurd: You don't think you owe \$250 to DirecTV?

Baker: That is correct.

Hurd: Do you know that they are going to place this against your credit as a negative credit rating for \$250?

Baker: They will?

Hurd: Yes, ma'am.

Baker: Why would they do that?

Hurd: Because they state that you owe them \$250.

Baker: Well ..., does that mean that there is nothing I can do about them reporting on my credit until I pay it?

Hurd: Absolutely right.

Baker: That's right?

Hurd: That's right. ... Why don't you think you owe it?

Baker: Like I just told you, they owe me money.

Hurd: Why do they owe you, uh, funds, Ms. Baker?

Baker: Well because they were supposed to give me the entire service for free, actually.

Hurd: You may want to call them, because, uhm, they put your account in collection and there is nothing we could do about it, except go against it, you may want to ...

Baker: What do you mean by go against it?

Hurd: Make the recommendation for further action to be taken and that will be the legal ramification that was in your DirecTV contract.

Baker: I'm not quite sure what you're telling me.

Hurd: Ah, there are legal provisions in your DirecTV contract, if you refuse to pay them, that they would take action against you. So they've already started that process, placing your account in collections and filing a civil claim against you. So the next step, will be reporting to your credit bureau, ah, agency, that this is a negative account that you refuse to pay and then they will continue to try to extract the funds from you. 13

Baker: And you're going to do that even though I just told you that I don't owe them any money?

Hurd: Ah, yes, ma'am. They sent it to us, we didn't buy the account, we didn't make this stuff up, DirecTV retained our services to pursue you for the balance of \$250.

Baker: And you said something about a legal claim, are you saying they're going to sue me?

Hurd: I'm not ... I don't know what they're going to do. I don't know what the ramifications were in your DirecTV contract.

Baker: Well, that sure is all very strange, and, ah ... have you actually, ah, like, mailed me anything, or are you only making phone calls?

Hurd: Yeah, DirecTV mailed you something for the last three months, we mailed you a letter as well.

Baker: Where did you mail it to?

Hurd: Uhm, to [address redacted.]

Baker: When did that go out?

Hurd: Last month.

Baker: I didn't receive that.

Hurd: Yeah, I don't know why, we sent it. That's why we're calling you now, because there was no response from the letter that we sent out. So we want to record a statement of intention to find out exactly how you want to handle this, so we know how to proceed against you.

Baker: Now, what's not quite clear to me is that you're saying ... when are you going to report that on my credit?

Hurd: This month.

Baker: This month?

Hurd: Yes, ma'am.

Baker: And you're going to do that even though I'm telling you now that I don't owe that money?

Hurd: Yes, ma'am....

Baker: And what is your name please?

Hurd: My name is James Hurd, H – U – R – D is my last name.

Baker: And you work for who?

Hurd: Focus Receivable Management.

Baker: And you are a collection agency?

Hurd: Yes, ma'am. We were retained by DirecTV to pursue you for the balance.

Baker: Ok. All right. Well all I can do is tell you that one, I did not receive your letter ... Do you think you could fax me that letter maybe?

Hurd: It's actually unlawful for us to send it, two letters in a 30 day timeframe.

Baker: Well, like I just told you, I have not received your letter and I would like to get a copy of that letter by fax if possible.

Hurd: If uh, if our records were audited, we would get in trouble for that. 14

Baker: You would get in trouble for sending me a letter that I didn't receive after I requested it?

Hurd: Yeah, because it's unlawful to send two letters. We didn't have a returned mail, so the US post deems that delivered.

Baker: Well, like, I'm just telling you, do you hear me?

Hurd: Yeah.

Baker: I did NOT receive your letter and I'm asking you to fax me a duplicate of that letter.

Hurd: Yeah, it's just policies and procedures, ma'am.

Baker: Could I speak to your supervisor?

Hurd: Sure ...

This transcript is Exhibit A to Christine Baker's Settlement Memorandum.

Additional information about this case is at [http://fight-](http://fight-back.us/forum/index.php?showforum=98)

[back.us/forum/index.php?showforum=98](http://fight-back.us/forum/index.php?showforum=98) and at

<http://forum.creditcourt.com/discus/messages/8177/8177.html>