

## FUNDAMENTALS OF COLLECTION PRACTICE IN NEW JERSEY

Tuesday, October 7, 2014 | 5:00 p.m. - 8:15 p.m.

Rutgers School of Law-Newark

S.I. Newhouse Center for Law and Justice | 123 Washington Street | Newark, NJ 07102

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This program covers the fundamentals of collection practice in New Jersey, along with strategies for handling the prosecution of both consumer and commercial collection. Learn what you can and cannot do to successfully collect judgments from debtors in New Jersey Superior Court Law Division and Special Civil Part. Topics include:

- **Fair Debt Collection Practices Act (FDCPA)** - key provisions; relevant case law; required notices.
- **New Jersey and Federal Statutes and Regulations** - Regulation Z, Truth in Lending Act (TILA), Regulation B (Equal Credit Opportunity); Fair Foreclosure Act; New Jersey "Foreclosure First" rule; New Jersey Home Ownership Security Act of 2002; Consumer Fraud Act; disclosure requirements.
- **Pre-Filing Considerations and Procedures** - retainer agreements; demand letters; sources of information; identifying assets; Bankruptcy Code automatic stay provisions; determining identity of the defendant; collection of checks.
- **Filing the Complaint** - preparation of the complaint; commencement of action; venue under the FDCPA; selection of division of Superior Court; service of summonses and proper parties defendants.
- **Prosecuting the Collection Action** - defendant's response; judgment by default; settlement of action, stipulations of settlement.
- **Post-Judgment Procedures** - judgment as lien on real estate; docketing of judgment; filing statement for docketing; moving case from Special Civil Part to Law Division; supplementary proceedings (orders for discovery) and information subpoenas; motion for enforcement of litigant's rights (contempt) and arrest warrants (procedure and usage); writs of execution and personal property subject to levy; personal property exemptions; levy upon real estate and Raniere v. I & M Investments rule; wage executions (procedure and usage); satisfaction of judgment.

### Faculty:

**ALAN OSTROWITZ, ESQ.**, Principal, Ostrowitz & Ostrowitz, Manalapan, NJ

**MARTHA OSTROWITZ, ESQ.**, Principal, Ostrowitz & Ostrowitz, Manalapan, NJ

Ostrowitz & Ostrowitz is a boutique firm solely committed to the collection of delinquent debts. They have been in the collection business since 1981, representing financial and commercial firms and institutions in real property foreclosures, work-outs, and repossession and foreclosure of personal property collateral under the Uniform Commercial Code, contract collection litigation, and creditor bankruptcy actions and proceedings.

**CLE Credit Hours:** 3.6 NJ | 3.5 NY | 3.0 PA

**Registration Fee:** \$75

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