

# It's A Matter of Life...And Debt: Know Your Rights!

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It was January, 2001 -- one month after my husband's death. I awakened one morning to an envelope sent by a dauntingly large law firm; something that no one needs to receive immediately after you have buried your beloved. Left in both emotional and financial ruin at that point in time, I was also recovering from emergency abdominal surgery and my father had just been diagnosed with terminal cancer, from which he passed away three months later.

It was not an especially good season in time.

I anxiously tore open the envelope and was floored at its contents. After a terse and insincere "*Sorry for your loss...*" salutation, the letter went on to state that they were representing a financial institution that held a credit card and a credit line belonging to my late husband Mike; both opened seven *years* before we had gotten married. While I held business and personal accounts at this institution, my name had never been associated on the particular accounts that Mike held.

The letter further stated that I was "*obviously responsible*" for "*taking care of your husband's obligations*" and that if they did not receive payment in full within 30 days, they would take further action against me. Did I mention that the actual institution never contacted me personally, despite Mike's more than 25-year history with them; that they instead simply referred the matter to a law firm? Did I also neglect to mention that almost all of the officers of said financial institution were guests at our wedding? *And* his funeral?

Do I have to tell you how enraged I was?

First, rather than contact me personally, the matter was instead referred to a law firm. Secondly, they were clearly attempting to (1) take advantage of someone in an obviously vulnerable state; and (2) collect on debts for which I knew I was not responsible.

So despite the rage, the vulnerability and an extremely sore abdomen, I dusted off my own legal prowess and sent them a letter in response. I none-too-kindly informed them that Mike's accounts and the debts associated with them were not in my name, that these debts were amassed long before we were married and that if they continued to harass me, they would be hearing from an extremely large and intimidating law firm in response.

I never heard from them again.

Moreover, it took me about a half-hour to move every cent I had to another financial institution.

When you are in the throes of grief, matters of finance and legality are the last things with which you want to be concerned. However, and sadly, there are those who are only too happy to take

advantage of both your emotional state, as well as what may be a lack of knowledge as to your rights as a survivor. Even though it is absolutely the last thing that you want to think about, when it comes to debt after death, you must know your rights; whether you are responsible for the debt or not.

1. Depending on where you live, you may not be responsible for debts left behind by your spouse or loved one. If the debts do not have your name on them, you may not be liable for the debt incurred. However, as with all other financial and legal matters, laws as to financial liability after spousal death vary widely from state to state as well as from country to country.

Generally speaking, you will be responsible for any debt to which your name is attached; however, you must consult with an attorney who specializes in estate matters, as well as a certified financial planner and/or CPA in order to determine your actual financial responsibility. Don't simply make assumptions as to financial responsibility (or lack thereof) on your own.

2. No matter who is accountable for the debt, no one has the right to employ abusive, threatening or harassing tactics in order to collect on a debt. The Federal Trade Commission is responsible for enforcing the Fair Debt Collection Practices Act, which protects consumers you against illegal collection tactics. Unfortunately, it doesn't mean that collectors haven't or don't employ these tactics, especially those who readily prey on the vulnerable and those who don't know their rights. There are a variety of protections in place to protect against these predators and in extreme cases, these protections may also help you sue for damages against companies who break collection laws.

When it comes to settling debts left behind in the wake of spousal death, you must know your rights. You cannot permit yourself to be intimidated or be otherwise so overwhelmed with grief, exhaustion, confusion or a combination of all three, that you simply start doling out money. Finally, you must be willing to advocate for yourself (or find experts who will advocate on your behalf) and demand to be treated with respect, with dignity and within the limits of the law.

Because you deserve it.