

**Instruction: This is a model letter. Adapt to fit your facts and circumstances.**

<date>

<Name>

<Company Name>

<address>

<address>

**Re:** \_\_\_\_\_

Dear \_\_\_\_\_ :

Enclosed herewith please find a copy of the default Judgment which I obtained against \_\_\_\_\_ and \_\_\_\_\_. We are in the process of having these judgments enrolled in \_\_\_\_\_ and \_\_\_\_\_ counties in order to create a lien against any real estate which the parties might own. In addition, we may want to attempt to garnish bank accounts if your records reflect any indication where \_\_\_\_\_ or the corporation does their banking business. I would be most appreciative if you would have someone in your office review your credit files for any such information so that we can proceed with further collection efforts.

Also, I would be most appreciative if you would call me at your convenience to discuss how you want to proceed with \_\_\_\_\_. I believe the only legal issue regarding \_\_\_\_\_ is whether or not he is personally liable or whether this is a cooperate debt. As I told you earlier, we have a good argument that he is personally liable because the contract was directed to \_\_\_\_\_ in his individual capacity, and it was signed by \_\_\_\_\_ in his individual capacity without any notation that he was acting in a corporate capacity. However, we subsequently billed the corporation rather than \_\_\_\_\_. Therefore, due to this issue of whether \_\_\_\_\_ was acting on behalf of the corporation or not, I doubt that we would be able to obtain a summary judgment. Therefore, if you would like to proceed against \_\_\_\_\_, I think we should set the matter for trial without expending any additional funds on discovery. At the trial we would put on a witness from \_\_\_\_\_ as to the contract and the work performed. We would also call \_\_\_\_\_ in an attempt to get him to admit that he signed personally without any indication that he was acting on behalf of the corporation. I would anticipate that \_\_\_\_\_ would testify that it was a corporate responsibility, not a personal one, and that \_\_\_\_\_ knew of this fact (e.g., the statements were directed to the corporation and not \_\_\_\_\_ personally).

Essentially, I believe that we have a 50/50 chance of obtaining a judgment against \_\_\_\_\_ if he appears at a trial and attempts to defend this matter. Depending on our ability to collect from \_\_\_\_\_ and the corporation, you may or may not want to expend additional monies in attempting to bring \_\_\_\_\_ to trial.

I look forward to hearing from you soon in regards to this matter.

Sincerely,

BY:

/  
Enclosure