

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

<date>

<Name>
<Address>
<Address>
<Address>

Re: _____
Civil Action No.: _____

Dear _____ :

This letter is to confirm our telephone conversation of _____, 20 _____ wherein we discussed the amount necessary to reinstate _____ loan with _____. As I told you, _____ is in receipt of _____ payments from _____. However, _____ is not obligated to accept partial payments after it has accelerated the entire indebtedness. As a result, _____ has not applied the payments from _____.

Accordingly, _____ records reflect that _____ is _____ payments past due. Our records indicate that _____ paid July, skipped August and September, paid October, and has not paid November, December, and January. Hence, our calculation of the amount necessary to reinstate the loan is as follows: _____.

If _____ desires to reinstate his loan, _____ is willing to accept the two payments in the amount of \$ _____ which it has in its possession (rather than returning them to _____), leaving a balance due of \$ _____, which must be submitted to us in certified funds. _____ is willing to forgo its demand for a _____ day "drop dead" provision, but is not willing to compromise its attorneys fees. _____ believes that the contract with _____ provides for the payment of such fees. Moreover, this is not a collection action but rather a repossession and therefore, _____ does not believe that the Court will impose any percentage limitation on the fees recoverable. If fees are to be based on a percentage, then _____ believes that the full amount of the accelerated debt would be the proper starting point.

Please discuss this with your client and let me know if we need to set a trial date.

Sincerely,

BY:

cc: :