

Call us now for a free initial 30 minute interview about debt collection for your business.  
Ask for Gerard Rooney or Georgina Squires/Audrey Millar  
and mention 'Lawyers for your Business'



## A Guide to Debt Claims



INVESTORS IN PEOPLE

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### Does someone owe you money?

Someone may owe you money for a variety of reasons including:-

- Loans which have not been repaid
- Damage to property or a vehicle
- Injury at work or in a road accident
- Defective goods
- Bounced cheques
- Poor quality work or materials supplied
- Supply of goods or services

Have you been promised payment only to receive nothing? If you have made several requests for payment without success, it is time to ask for our advice about how you should pursue your claim.

### Why use mosshaselhurst?

We specialise in straightforward debt collection, mostly business to business where there can be no real dispute about the debt. We have an impressive success rate and our low cost option is very popular. You instruct us by e-mail including the relevant details and we issue the demand. No need for telephone calls or letters (which are charged extra anyway).

Although the law may allow up to 6 years to make a claim, the longer you leave it before taking any action, the less likely it is that you will succeed. The debtor may disappear or may incur other debts which will reduce your chances of being paid.

### What can we do to help?

Depending on the steps you have already taken, we can advise you what to do next. Under the low cost option for a small fixed fee we can issue a pre-action letter to the debtor demanding payment. This is usually sufficient to prompt payment, compromise or repayment by agreement in instalments. In other cases Court proceedings may be required.

We recognise that pursuing debts through the Courts isn't always the best option but that it may be necessary. Using the mosshaselhurst debt team is probably the easiest and most stress free way to do so. Act quickly if you wish to sue someone for money.

We are local professional experienced Solicitors, friendly and supportive. Our charges are sensible and competitive and enclosed with this leaflet are details of our debt collector charging rates. If we are involved in extra work beyond the initial e-mail Low Cost Option then the Standard Option charging rates apply.

### Is the debtor worth suing?

Although you may be able to prove the debt easily, you are unlikely to recover the money owed to you if the debtor:-

- Is bankrupt
- Is unemployed
- Has no money
- Has no property

One of the things we can help you with is to work out whether the debtor is worth pursuing.

## **What can you do if you get a court order against the debtor but he does not pay?**

You can try to force the debtor to pay by using one of the following methods of enforcement:–

### **Court Order to provide financial information**

This orders the debtor to attend Court to answer questions on oath, which will enable you to assess the debtors financial position and therefore the debtors ability to pay.

### **Warrant of Execution**

This allows the Court Bailiff / Sheriff to remove the debtor's possessions from his home or business. The Bailiff can either try to obtain the money owed to you or sell goods taken from the debtor.

### **Attachment of Earnings**

This is only possible if the debtor is employed by someone else.

The Order instructs the debtor's employer to deduct a specific sum from the debtor's earnings each pay day. The employer sends the money to the court and the court sends it to you.

### **Garnishee Order/Third Party Debt Order**

If a third party owes money to the debtor, the third party can be ordered to pay you e.g. if the Debtor has a bank account, the bank can be ordered to send you the amount due.

### **Charging Order**

This will attach to the debtor's property or investments. It operates in a similar way to a mortgage in that the debtor will not be able to sell the property or investments without paying you first.

### **Bankruptcy**

Depending on the amount of debt you may be able to apply to make the debtor bankrupt.

### **Winding up Order**

If the debtor is a Limited Company, you can take steps to wind up the Company. Sometimes the threat of doing so or a Statutory Demand will be sufficient to persuade the Company to pay.

