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NOVEMBER 2015 NEWSLETTER

## DEAR FRIENDS AND COLLEAGUES: CAN YOU BE JAILED FOR OWING DEBT?

### IT'S NOT SUPPOSED TO HAPPEN, BUT SOMETIMES...

I recently had a prospective client come in that had a sad story to tell. Let's call him Joe, although that is not his real name. Joe had been sued on an old credit card debt, and didn't have the money to pay it or fight it. The collection lawyer had also sent Joe some papers to list all his and his family's assets and produce documents such as tax returns and bank statements. Either through oversight or just being overwhelmed by it, Joe didn't respond to the lawyer's paperwork.

One Friday afternoon, Joe and his wife were at home when the doorbell rang. He answered the door, and it was a county constable, who after verifying it was Joe, put handcuffs on him and took him to the Harris County jail. Joe's wife tried to bail him out, but due to a snafu at the jail, Joe was "lost" and could not be found for two days (he was in a holding tank with several other prisoners).

What had happened? Joe was not placed in jail for owing money, but because he had been found in contempt of court for not following a judge's order to answer the lawyer's questions about where his assets were. This is not an uncommon thing to happen. If people ignore lawsuits, even seemingly minor lawsuits over credit card debt, it can result in being taken to jail. Joe's wife finally delivered the information that the lawyer had wanted, and Joe was released.

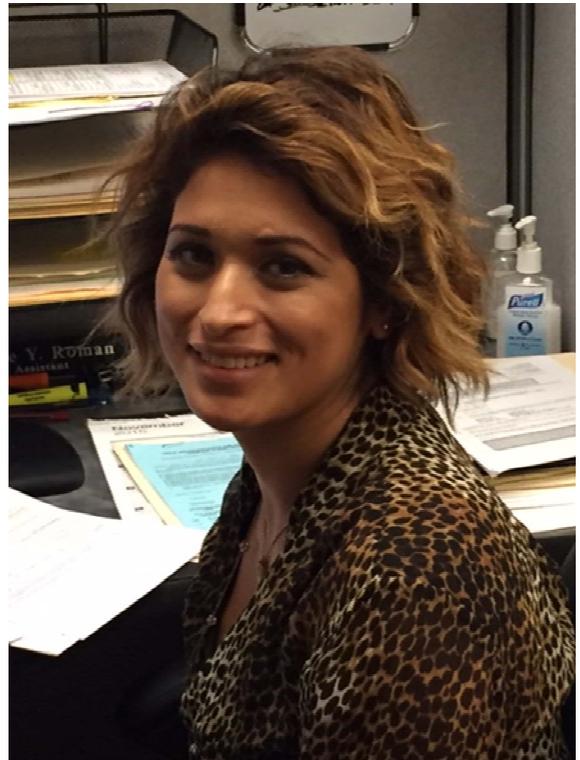
In some Texas counties, it is also possible to be jailed if you cannot afford to pay fines for traffic offenses, for example. This practice is illegal.

As noted in a recent article on *Buzzfeed News*, Texas law provides that if a person is too poor to pay fines, a judge must hold a hearing to determine if they can pay. If they are too poor to pay, they must be given community service instead. An indigent Texan can only be jailed if they have "failed to make a good faith effort" to perform the community service.

Some indigent Texans, even if they can deal with or pay the traffic fines, cannot pay the expensive

surcharges that Texas tacks onto some traffic tickets. And if they cannot pay the surcharges, they cannot renew their driver's licenses, and they face going to jail again if they drive without a license.

If this is your situation, you may be able to have your surcharges reduced to 10%-50% of the full amount by applying for the Texas DPS Driver Responsibility Indigency/Incentive Program. Go to [www.txsurchargeonline.com](http://www.txsurchargeonline.com) for information. ■



**October was a big month for our paralegal Stephanie Roman. She just completed 14 years of service with the firm. Congrats Stephanie!**

### Quotes:

What you leave behind is not what is engraved on stone monuments, but what is woven into the lives of others. --- Pericles

When you come to a fork in the road, take it. --- Yogi Berra

You see much more of your children once they leave home. --- Lucille Ball

*We are a federally designated Debt Relief Agency under the United States Bankruptcy Laws. We help people find answers to their debt and credit problems, including, when necessary, helping them file bankruptcy under the U.S. Bankruptcy Code.*

## A LITTLE HUMOR – the Make no mistake edition

One morning a grocer put a sign in his window that read: “Eggplants—25 cents, 3 for \$1.00.”

All day long, customers walked in and complained about the sign. “I should get four eggplants for a dollar!” they all said. The grocer apologized to each one and put four eggplants in bags for them. By the end of the day he was sold out.

The manager of a shoe store next door came in at the end of the day and heard the last customer demand four eggplants. “Why don’t you just fix the mistake on your sign?” he asked.

“What mistake?” The grocer smiled. “Before I put up that sign nobody ever bought more than one eggplant!” ■

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## Telephone Scams Gone Wild

The I.R.S. is warning the public to be alert to con artists posing as I.R.S. agents demanding money. They con the victim into paying a fake tax bill with cash, usually using a prepaid debit card or wire transfer.

The National Assn. of Consumer Bankruptcy Attorneys (NACBA) is warning bankruptcy filers to beware of con artists calling them, posing as their own bankruptcy lawyer’s offices. No bankruptcy lawyer would call their own client and demand that they wire transfer money to satisfy a debt, or threaten them with arrest.

Also, don’t be fooled by what your Caller ID says. Crooks have “spoofing” software that can trick your Caller ID into displaying any telephone number that they want. ■

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## Is Ocwen your mortgage loan servicer? You may have received a “Misdated Letter Claim Form”

If your “mortgage company” is Ocwen Financial Corporation (Helping Homeowners is What We Do!®) you may have recently received a claim form for you to fill out to seek a payment of \$300-\$3000, if you received a misdaded letter from them.

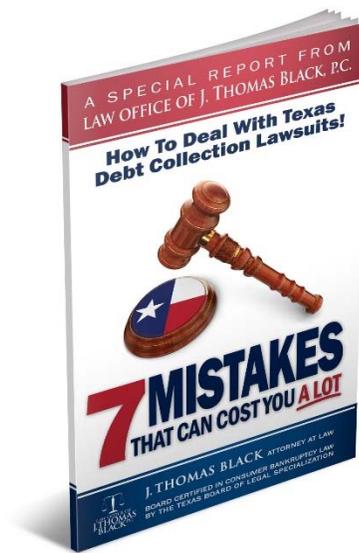
Last year, the N.Y. Dept of Financial Services investigated and determined that Ocwen had backdated certain letters to borrowers.

Many of the letters concerned the denial of loan modifications, giving the borrowers only 30 days to appeal the denial. By the time the letter was received, the time to appeal had passed. Other letters provided borrowers facing foreclosure with dates to cure their loans that had already passed.

Ocwen has established a voluntary claim program to pay money to borrowers who received backdated letters. To be eligible for a payment, you: (a) must have received an incorrectly dated letter between Jan. 1, 2012 and Dec. 31, 2014 that contained a deadline for borrower action; and (b) must have subsequently been referred to foreclosure.

If you received your claim packet already, you must submit it by May 2, 2016. If you believe you are eligible and did not receive a claim form, you can go to [www.ocwenmisdatedletterclaims.com](http://www.ocwenmisdatedletterclaims.com) and get one and also more information. ■

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## SERVED WITH LAWSUIT FOR DEBT? DON'T IGNORE IT!

If you have been served with a lawsuit for debt in Texas, don't ignore it! Request Mr. Black's Special Report, "How to Deal with Texas Debt Collection Lawsuits - 7 Mistakes that Can Cost You a Lot." Download the Special Report at [www.jthomasblack.com](http://www.jthomasblack.com) or pick one up at our office.

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### Thank you for your referrals! We accept cases in the following areas-

Bankruptcy.  
Debt Collection Defense.  
Debt Collector Harassment.  
I.R.S. Collection Defense.  
Stop Foreclosure and Repossession.  
Student Loan Help.  
Wills and Trusts.

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## ARE YOU IN CHAPTER 13 NOW?

Always keep the law office updated with your current address, telephone numbers, and email address. We may need to reach you quickly. You can check on the status of your Trustee payments, how much you still owe on your case, etc., by going to [www.ndc.org](http://www.ndc.org) to set up your user ID and password.

Plan payment too high? Lose job or overtime? It may be possible to surrender property or if your situation has changed to lower your payments. If this is your situation, contact our office for an appointment to prepare a Motion to Modify.

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J. Thomas Black was licensed as an attorney in Texas by the Texas Supreme Court in May, 1982. Mr. Black is Board Certified in Consumer Bankruptcy Law by the Texas Board of Legal Specialization.

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