



## September 2016 Newsletter

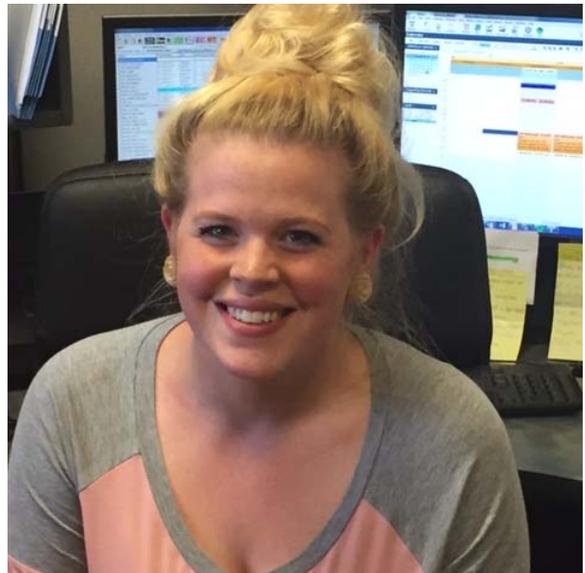
### Don't Fall for Recent "I.R.S." or Other Common Scams

Unfortunately some of our clients are the targets of every kind of scam imaginable. We get a lot of calls asking what to do, if this or that caller are for real. Don't fall for these common scams, or anything that sounds too good to be true. I'll list a few of the most common scams below.

1. Fraudulent tax filing. If your social security number has been compromised in a data breach or ID theft, a scammer may use it to file a tax return before you do, and claim your tax refund. The I.R.S. has started new safeguards this year that should prevent most of that, but still, your best defense is to file early, before a potential scammer can do so for you.
2. I.R.S. "Phishing" email. The I.R.S. does not contact you via email. If you receive an email that appears to be from the I.R.S. and it says something like "click here for information about your refund," just delete it. It is a scam. And clicking on it can result in malware being placed on your computer that can result in more damage. Don't respond to these emails or click on any of the links in them.
3. I.R.S. Phone scam. This is the one we've received the most calls about recently. Someone calls you and claims to be with the I.R.S. or the Treasury Department and tells you that you are behind on taxes and that if you don't pay, you'll be arrested or your property will be seized, or whatever. The I.R.S. does not typically call people; they send letters and notices in the mail. If you owe a lot of money you may be visited by an I.R.S. Revenue Officer, but they will have proper identification. Hang up on I.R.S. phone scammers.
4. Payday loan scams. These scammers buy lists of old defaulted payday loans which you may or may not owe. They call and

threaten you with arrest or a lawsuit which will be filed "today." Or they say, "the sheriff will be out to serve you with papers this afternoon." Yeah, right. These are scams.

5. Money transfer scams. Someone asks you to deposit a check and wire money to someone (Continued on page 3)



**Meet Lorinda Barajas, one of our new receptionists. She works in the mornings. Lorinda is from Idaho. She is married with 3 children under 3 years old! We are glad to have her working with us. Welcome Lorinda!**

#### Quotes:

"The difference between ordinary and extraordinary is that little extra." —Jimmy Johnson

"Satisfaction lies in the effort, not in the attainment. Full effort is full victory." —Mahatma Gandhi

"We could never learn to be brave & patient, if there were only joys in the world." — Helen Keller

*Our law firm is a federally designated Debt Relief Agency under the United States Bankruptcy Laws. We help people find answers to their debt problems, including when necessary, helping them file bankruptcy under the United States Bankruptcy Code.*



## **Are you in chapter 13 now? And is Wells Fargo your mortgage company? If so, you may receive a check!**

If Wells Fargo is your mortgage company and you are in chapter 13 or have been recently, you may receive a check or a credit to your mortgage loan because of a settlement with the U.S. Trustee's office. Wells Fargo will pay out \$81.6 million in settlement payments and credits.

The payments average \$1254 each, but yours could be more or less, depending on what happened on your particular loan. Your payment may be sent to your chapter 13 trustee if you are still in a chapter 13 case. We are not sure yet if the trustees will refund the payments to you, or apply them to your chapter 13 case, either as a credit against what you owe to your plan (so your case is completed sooner) or as an "additional" payment that would only benefit your unsecured creditors (assuming that you are not paying your creditors in full through your plan). We will update this article as more information becomes available. If you receive a check or a credit and you receive an IRS Form 1099 from Wells Fargo, be sure to provide the 1099 to your tax preparer, or if you prepare your own taxes you may need to report the payment or credit as income for the year.

Why did this settlement happen? Because mort gage

companies or "mortgage servicers" as they are known, are required by Bankruptcy Rule 3002.1 to file Notices of Payment Change in chapter 13 cases each time the amount of the monthly mortgage payment changes. Mortgage payments commonly change either because of changes to escrow amounts due to taxes or insurance changing, or because the loan is a variable interest rate or ARM loan. According to the Bankruptcy Rule, mortgage servicers must send out the Payment Change Notices at least 21 days before the date of the payment change. In some cases Wells Fargo was sending the notices late, or not performing escrow analyses on some mortgage loans for years.

The U.S. Trustee's office that filed the lawsuit is part of the U.S. Department of Justice. The UST brought suit against Wells Fargo in a court case called In re Green, Case No. 11-33377, in the U.S. Bankruptcy Court for the District of Maryland. As part of the settlement, and in addition to the payments and credits, Wells Fargo agreed to change its practices and comply with the law.

If you are a homeowner with questions about this settlement and Wells Fargo is your mortgage servicer, you can call Wells Fargo at 1-800-274-7025. ■

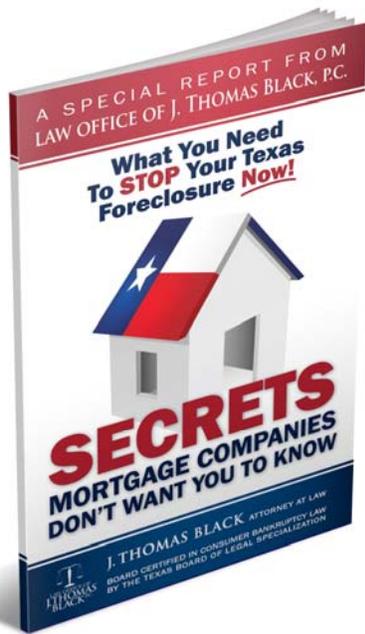
## **Dave Ramsey & daughter Rachel Cruze to appear in Houston in October**

Several of my clients are fans of personal finance guru and radio host Dave Ramsey. He will be in town Oct. 22 for a Smart Conference which starts at 8 a.m. at Grace Community Church on the Gulf Freeway. Tickets start at \$59. For more information go to [daveramsey.com](http://daveramsey.com). I don't always agree with everything that Dave Ramsey says about personal finance, but I have to admit that he has some good points and he is very entertaining!

Also Dave's daughter Rachel Cruze has a book signing for her new book, "Love Your Life, Not Theirs" at Books-A-Million at Katy Mills Mall on Oct. 12 at 6 p.m. For details go to [rachelcruze.com](http://rachelcruze.com).

## Try the Waze App for Great Driving Directions.

On our recent trip to New Orleans, this smartphone app Waze really came in handy. Not only does it provide basic navigation, but other drivers contribute real-time traffic and road information. We saved about an hour on our trip because the app told us to avoid the traffic jam in Baton Rouge that day; regular GPS navigation would have led us right into the traffic. And best of all it's free! Google recently purchased it and intends to add ride-sharing capabilities to it. ■



**Delinquent on Your Mortgage?** Request Mr. Black's Special Report, "What You Need to Stop Your Texas Foreclosure Now! Secrets Mortgage Companies Don't Want You to Know" You can download it instantly at [jthomasblack.com](http://jthomasblack.com) or pick one up at the office.

Scams, from page 1

you don't know, or in a foreign country. If you do it, the check will later bounce, and your bank will hold you liable for the full amount of the check. Meanwhile the "friend" disappears. We have had to file bankruptcies for at least two people that were victims of this money transfer scam.

6. The "urgency" scam. Someone calls you and says that a friend or family member is injured or in trouble in another state or country, and needs money fast. You are pressed to make a decision quickly without time to think. It's probably a sign of a scam. Crooks like to use wire transfers because the money moves fast and they can take it and run before the scam victim discovers the truth.

7. The "lonely hearts" or "romance" scam. You are lonely so you join an online dating site, meet someone in a chatroom or answer a personal ad. Your "suitor" feigns romantic interest to build up a rapport with you. Then the requests for money start. The scammer asks the victim to send money, or tells the victim that they are in a foreign country and they have a check or money order in U.S. dollars that they can't cash, so please send money. Don't fall for it. Check out potential romantic partners carefully, it's a common scam.
8. Telemarketing fraud, especially for seniors. My mom fell for this one when she became older. Caller says you've won a prize, you only need to pay \$95 for shipping and handling, or some other bogus fee. ■

**You can now text us!** If you are running late to our office or just want to tell or ask us something quickly, you can now text us at our main telephone number 713-772-8037 during working hours only.

**Thank you for your referrals!**

**We accept cases in the following areas\*—**

**Bankruptcy.**

**Stop I.R.S. Liens and Levies.**

**Stop Foreclosure and Repossession.**

**Serious Accidents and Injuries.**

**Disability Benefit Denials**

**Student Loan Help.**

**Wills and Trusts.**

**\*certain cases may be referred.**

## **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.

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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### **A little humor– the “three kick rule” edition..**

A New York lawyer went duck hunting in rural Texas. He shot a bird that fell into a farmer’s field. As he went to retrieve the duck, the farmer walked up.

“That duck is on my land,” the farmer said. “So it belongs to me.”

“But I shot it,” the lawyer said. “If you don’t let me have it, I’ll sue you for your farm and everything you have.”

The farmer smiled. “Tell you what: How about we settle this with the three kick rule?”

“What’s that?” the lawyer asked.

“One of us kicks the other three times. Then the other guy gets to kick the first guy three times. We keep doing it until one of us gives in.”

The farmer looked very old, and the young lawyer worked out regularly. “All right,” he said confidently. “We’ll do it your way.”

“Since we’re on my land,” the farmer said, “I kick first.”

The lawyer agreed, positive that the elderly farmer couldn’t hurt him.

He was wrong. The farmer’s first kick sent him into the dirt. His second hurled him against a tree. The third had him flying into a haystack.

Dizzy, the lawyer pulled himself up and took a deep breath. “OK, now it’s my turn.”

“Nah,” the farmer smiled. “You can have the duck.”