

Law and Life Newsletter

Legal Lead Story: Debt Settlement Companies (Really)?

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There is a disturbing trend across the nation involving companies telling people they can and will resolve multiple debts at low rates and with "no hassle". The consumer, obviously feeling pressure to address her issues, signs an agreement with the debt settlement company (DSC) accompanied by payment of an "administrative" fee and a monthly service fee. The consumer provides the DSC with her private financial information and the DSC instructs the consumer to stop making payments to her creditors (yikes!). Now the consumer is supposed to

trust the DSC to begin dealing with those pesky creditors but...

Too many of these DSCs fail to honor their promises and thus betray the consumer's trust. Often DSC payments are delayed or not made at all. Upon contacting the DSC for a status report the consumer learns her creditors have received little or no money and have had limited (if any) communication with the DSC. Sometimes the DSC tells the consumer her account lacks sufficient money to initiate debt settlement negotiations with creditors. Then the consumer is led down a

road of delay, denial, and avoidance by the DSC as the debts go unattended or further delinquent which means the consumer's credit rating worsens. Now the consumer is in worse position than before they contacted the DSC.

In January 2011 the NC Attorney General's Office sued the Consumer Law Group, P.A., a Florida DSC (and not a law firm as the name would imply) that allegedly took fees from consumers but failed to adequately handle debts. DSCs are being sued or investigated in other states for unfair or ([cont'd at Debt p. 2](#))

Question & Answer: What is a Lemon in North Carolina?



In North Carolina the term "lemon" has a specific definition. The NC Lemon Law covers only **new** vehicles. Your vehicle problem(s) must **substantially impair** the vehicle's value to you. Plus the problem(s) must be covered by the manufacturer's warranty. You must have returned the vehicle to the dealer for repair **four or more times**, but the same problem continues to exist; or the vehicle was **out of service** to you for a cumulative total of **20 or more business days during**

any 12-month period of the **warranty**.

If the manufacturer has a mandatory dispute resolution process you may be required to utilize this process to try to resolve your issue before proceeding to court. If the result is not to your liking you retain the right to file a lawsuit. Your lawsuit, which would be against the manufacturer—not the dealer—can be filed only after you provide the manufacturer written notice of the following: the problem(s) with your

vehicle, your intent to file a lawsuit, and one final reasonable period (need not exceed 15 days) to fix the problem(s).

The law is designed to protect consumers from a vehicle beyond repair. If you have met the above requirements and the final attempt to fix the vehicle fails you are in a position to claim a pro-rated monetary refund or replacement vehicle. If you believe your new car is a lemon, contact Attorney John O'Neal today for a free consultation. --OLO

Your Help Needed: Seeking Testimonials!

While the O'Neal Law Office opened in January 2006, since 1996, I have represented hundreds of clients across the state of North Carolina and multiple clients across the United States. No lawyer wins every case and there have been some cases where the end result was not what was desired but the goal always remains to provide excellent client service via personal attention and professional

results.

If you have good things to say about your experience with me and how your case was handled your comments are wanted. If you are willing to have your testimonial displayed on the O'Neal Law Office website and on other promotional materials please e-mail your testimonial to johnoneal@hotmail.com.

Your testimonial can be as short or long as you like. Be sure to include your first and last name along with your city and state of residence.

Thank you in advance for all responses and many thanks to you for your ongoing support of me and the O'Neal Law Office. I look forward to serving you in the future.
--OLO

Spartan Spotlight: Homecoming 2011—Save the Dates!

As you read this article UNCG has graduated another set of students (over 2,600 at the May 6, 2011 commencement) and summer school has begun. Campus will be relatively quiet during the summer despite the numerous classes, camps, and other happenings. The mass of students has left and the beauty of

campus is in full bloom during the days of summer.

Now...compare the summer serenity with the campus scene during Homecoming week at UNCG (September 19 to 25). Homecoming will see hundreds of Spartans and their friends and families singing, laughing, dancing, playing, eating,

drinking, networking, remembering, giving, learning, serving, cheering, running, and much more. Venue and event information will be available by late summer at www.uncg.edu/ala so be sure to check that site for further details. Don't miss out. Make plans to come back to campus. Go Spartans! --OLO

Legal Lead Story (continued from p. 1)

"Debt settlement companies are not inherently bad but ...

deceptive practices, and other abuses. For a short article further illustrating how DSCs often work to the detriment of the consumer, go to <http://www.denbighlaw.com/debtsettlement.html>.

There are alternatives to using a DSC. You could try to negotiate directly with your creditor(s). If you opt not to do this you should seek an approved consumer credit counseling agency. A list of such North Carolina

agencies approved by the U.S. Bankruptcy Administrator is at <http://www.uscourts.gov/FederalCourts/Bankruptcy/BankruptcyResources/ApprovedCreditAndDebtCounselors.aspx>.

Bankruptcy may be a better option than using a DSC. But review your debts and financial situation carefully before filing bankruptcy. Be sure to consult an attorney before filing bankruptcy.

The O'Neal Law Office does not perform bankruptcy or credit counseling services. The OLO does, however, represent consumers who have been victims of unscrupulous DSCs and similar agencies.

Debt can be an imposing burden on your life and lifestyle. If you insist on using a DSC do your homework. Be thoughtful and best wishes with whatever decision you make. --OLO

Vehicle Maintenance and Safety

Gas prices are going up and vehicle prices have been on the rise. Keeping your car in good working order has never been more important. Here are a few tips to get you started:

Change that oil. Unless the owner's manual says otherwise, most vehicle experts suggest you change the engine oil every three months or 3,000 miles, whichever comes first.

Check tire pressure and

adjust to specifications in your owner's manual or on the tire(s).

Rotate tires every six months. Frequently check tires for tread depth and damage.

Check and change your windshield wipers as needed.

Wash the exterior and underbody and clean the interior.

Check the windshield wiper fluid and engine coolant and

add as needed. Keep both above the "low" mark. Check for leaks.

Check your air filter and replace as needed.

Check hoses and belts and replace if they show extreme wear or damage.

Read your owner's manual for more specific information and find a reliable mechanic. A little time and money on the front side can save you time, money, and aggravation down the road. --OLO

Now that you have that vehicle are you doing what is needed to get as many quality miles as possible?

Healthful Hints: Summer Moves

Summer is the time for school breaks, vacations, and road trips. Despite the days of heat and humidity summer presents opportunities to engage in many sports and activities. Here are some suggestions for your fun:

Golf: Ditch the cart and walk the course. The pros do it and you can try it once in a while. Be sure to take along some water, fruit, and nuts. No beer or alcohol as they dehydrate you. Hate for you to pass out as (or before) you reach the back nine.

Walking/Jogging: A treadmill can be harsh on the joints and may even become boring. Take it outside and get some fresh air. Find a course in your neighborhood, near a lake or waterway (provides some relief from heat), or in a local park. Make sure you have comfortable shoes and light-colored breathable clothes. If you are on or near a street or roadway wear reflective clothing. Listening to music is OK but remain attentive to your surroundings.

Racquet sports: Tennis and handball are fast and furious.

Headbands are functional and not just fashionable. Court surfaces can draw and magnify heat so bear this in mind when choosing your times to play. Shaded courts are a plus. If it is too hot for you on the outside you can play tennis, squash, or handball on an indoor court.

Bicycling: Of course you can ride the stationary bike at home or in the gym but why not break away? Enjoy the sights and sounds of the outdoors while challenging your body with different forms of resistance (hills, bumps, curves, etc.). Grab that helmet, some gloves, and reflectors.

Net sports: Volleyball and badminton are great fun and a great way to involve many people in healthy movement. Playing in the sand presents a level of resistance that challenges the body and coordination.

Water sports: Swimming, water aerobics, kayaking, jet-skiing, canoeing, parasailing, and other pursuits in the H2O involve multiple physical exertions and balance/coordination. Core strength (i.e. lower back, abdominals) can be essential. The water spray provides some heat relief. Keep it safe here; lifejackets required and headgear is a

good idea. No alcohol please.

When playing or watching these sports try to schedule it around the hottest part of the day (typically 12 noon to 5 pm). Sunglasses and sunscreen are helpful if you will be in the direct sunlight. A water bottle and a towel are great accessories. Drink plenty of water *before* you hit the great outdoors since dehydration and cramping can occur quicker as the temperature and humidity rise.

Although these sports and activities are not your traditional workout a nice combination of them will get your body moving and that blood circulating. Variety is the spice of life. Changing your physical activities is a great way to challenge your body, keep things fun, and keep you in good shape. Be sure to eat and drink well so that you provide your body with the fuel (good carbs and protein) needed for your summer moves. Now get out there and enjoy! --OLO

O'Neal Law Office

We're on the Web!

www.oneallawoffice.com

Also check out the O'Neal Law Office ad on MyFox8.com (seen on the "Community Pages" for West Greensboro, East Greensboro, and Kernersville)

Attorney John O'Neal Leads Statewide Consumer Group

In June 2010, Attorney John O'Neal, a long-time member of the North Carolina Advocates for Justice (formerly the NC Academy of Trial Lawyers), was elected Chair of the NCAJ's Consumer Areas of Practice Section. O'Neal's term runs until June 2012 and his role is to coordinate the activities

and efforts of NCAJ members who are specifically dedicated to the legal protection and education of consumers across North Carolina.

O'Neal is honored to hold the Chair position as it affords him the unique opportunity to hone his legal skills and get inside information and valuable

resources from other experienced consumer law attorneys and civil litigators across North Carolina. These assets will enable Attorney John O'Neal to better service his clients and protect the legal rights of those he represents. For more information on the NC Advocates for Justice visit www.ncaj.com. --OLO

Check These Websites.....

www.pipl.com People-finder website with links to Facebook pages, prison records, obituaries, classmate pages, professional pages, news articles, and even photos.

www.nccash.com Official unclaimed property website for

North Carolina. No cost to search for or recover money and property due to you. See if there is money or property waiting for you!

www.ohdontforget.com

Set text message reminders for errands, birthdays, etc. Always free to use.

FILL IN THE BLANK (LEGALLY)

1. What may happen if you cancel insurance on that car you have not yet paid in full: R _ P _ _ _ _ _ N
2. The only way you can fully and permanently remove a criminal charge from your record: E _ _ _ _ G _
3. Number of days you have to respond to a civil Complaint in North Carolina state court: _ _ _ _ _ Y
4. Another term for the conditional delivery of a vehicle: a _ _ Y _ sale
5. The act of intentionally providing false information in an effort to persuade someone to take action: F _ _ U _
6. The legal term for a bank or other entity/person to whom you owe money: C _ _ D _ _ O _
7. The legal term for a false statement in printed form: _ _ _ D _ _

Answers available at www.oneallawoffice.com (Go to the Free Information Center) and in the next edition of the Law and Life Newsletter. Good luck!