

Table of Contents

CHAPTER 2. INSTALLMENT SALE HEADACHES: WARRANTY DISCLAIMERS, DOOR-TO-DOOR SOLICITATION, THE HOLDER IN DUE COURSE DOCTRINE

B. WARRANTIES AND DISCLAIMERS

- § 2:4 Warranties and disclaimers under UCC
- § 2:5 Warranties and disclaimers under UCC—Implied warranties
- § 2:6 Warranties and disclaimers under UCC—Express warranties;
Parol evidence rule
- § 2:7 Warranties and disclaimers under Magnuson-Moss Warranty Act

D. HOLDER IN DUE COURSE DOCTRINE

- § 2:16 UCC provisions

CHAPTER 4. UNCONSCIONABILITY AND CONSUMER CREDIT

A. INTRODUCTION

- § 4:1 “Procedural” and “substantive” unconscionability

B. UNCONSCIONABILITY UNDER UCC

- § 4:5 Generally

C. ALTERNATIVE APPROACHES TO UNCONSCIONABILITY

- § 4:10 Contracts of adhesion doctrine

D. THE CONSUMER PROTECTION BUREAU *[New]*

- § 4:13 Procedures for notifying the Bureau of Consumer Financial Protection when a State Official takes an action to enforce Title X of the Dodd-Frank Wall Street Reform and Consumer Financial Protection Act of 2010 (12 C.F.R. §§ 1082.1) *[New]*
- § 4:14 Adjustment of civil penalty amounts (12 C.F.R. § 1083.1) *[New]*

CHAPTER 5. DEFAULT, REPOSSESSION, FORECLOSURE, DEFICIENCY AND GARNISHMENT: CONSUMER'S CHAIN OF DISASTER

B. CONSTITUTIONAL REQUIREMENTS

- § 5:7 Self-help repossession

C. STATUTORY REQUIREMENTS AND CASELAW DEVELOPMENTS

- § 5:13 Default and deficiency-statutory framework
- § 5:17 Self-help repossession

CHAPTER 6. UNSAVORY COLLECTION PROCEDURES: COGNOVITS, DEFAULT JUDGMENTS, SEWER SERVICE AND HARASSMENT

D. HARASSMENT

- § 6:7.10 Unfair or Deceptive Acts or Practices (12 C.F.R. §§ 535.1, 535.11 to 535.14, Appendix to Part 535) *[New]*

E. FEDERAL LEGISLATION

- § 6:10 Fair Debt Collection Practices Act (15 U.S.C.A. §§ 1692 to 1692p) *[Retitled]*
- § 6:10.10 Fair Debt Collection Practices Act (Regulation F—12 C.F.R. §§ 1006 to 1006.8) *[New]*
- § 6:10.20 Safe Harbors From Liability Under the Fair Debt Collection Practices Act for Certain Actions Taken in Compliance With Mortgage Servicing Rules Under the Real Estate Settlement Procedures Act (Regulation X) and the Truth in Lending Act (Regulation Z) *[New]*

TABLE OF CONTENTS

**CHAPTER 7. RATE CEILINGS: PUBLIC
UTILITY APPROACH OR FREE
COMPETITION?**

CHAPTER 8. TRUTH-IN-LENDING ACT

**C. CONSUMER LITIGATION: PRE
SIMPLIFICATION**

§ 8:21.10 The Truth in Lending Act (15 U.S.C.A. §§ 1601, et seq.)
[New]

§ 8:21.20 The Truth in Lending Act Regulations (Regulation Z—12
C.F.R. §§ 226.1 et seq.) *[New]*

E. ALTERNATIVE MORTGAGES

§ 8:23 Alternative Mortgage Transactions (12 U.S.C.A. §§ 3801 et
seq.) *[Retitled]*

§ 8:23.10 Alternative Mortgage Transactions (12 C.F.R. §§ 560.210 and
560.220) *[New]*

**G. THE FEDERAL RESERVE'S PARTICIPATION IN
THE PAYMENT SYSTEM *[New]***

§ 8:28 The Community Reinvestment Act (12 U.S.C.A. §§ 2901 et seq.)
[New]

§ 8:29 The Community Reinvestment Act Regulations (Regulation E—
12 C.F.R. §§ 228.1 et seq.) *[New]*

**CHAPTER 9. EQUAL CREDIT
OPPORTUNITY ACT**

A. INTRODUCTION

§ 9:3 Equal Credit Opportunity Act (15 U.S.C.A. §§ 1691 et seq.)
[Retitled]

§ 9:3.10 Equal Credit Opportunity Act Regulations (Regulation B—12
C.F.R. §§ 202.1 et seq.) *[New]*

CHAPTER 10. BANK CREDIT CARDS

C. OTHER MATTERS

§ 10:13 Credit Card Accountability Responsibility and Disclosure
Act of 2009/The Credit Card Act of 2009 (H.R. 627) *[New]*

§ 10:13.50 Amendments to the Credit Card Accountability Responsibility and Disclosure Act of 2009 (Credit CARD) *[New]*

CHAPTER 11. THE CREDIT BUREAU: PERSECUTOR OR PROTECTOR?

B. DISCLOSURE OF CREDIT INFORMATION

§ 11:15 Right to Financial Privacy (12 U.S.C.A. §§ 3401 et seq.)
[Retitled]

§ 11:18 Privacy of Consumer Financial Information (Regulation P—12 C.F.R. §§ 216.1 et seq.) *[New]*

C. MEDICAL INFORMATION IN CONNECTION WITH CREDIT *[New]*

§ 11:19 Regulation FF, Obtaining and Using Medical Information in Connection with Credit *[New]*

CHAPTER 12. CREDIT INSURANCE: THE TAIL THAT WAGS THE DOG

CHAPTER 13. THE FTC AND CONSUMER CREDIT: THE MOUSE BEGINS TO ROAR

C. FTC TRADE REGULATION RULES

§ 13:10 Federal Trade Commission Act (15 U.S.C.A. §§ 41 et seq.)
[New]

§ 13:11 Unfair or Deceptive Acts or Practices (Regulation AA 12 C.F.R. §§ 227.1 et seq.) *[New]*

CHAPTER 14. PUTTING TEETH IN THE TIGER: DEBTOR'S REMEDIES, PUBLIC ENFORCEMENT AND CONSUMER CLASS ACTIONS

E. TRUTH IN SAVINGS ACT, REGULATION DD *[New]*

§ 14:17 Regulation DD, Truth in Savings

§ 14:18 Truth in Savings Regulations (Regulation DD 12 CFR 230.1 et seq) *[New]*

TABLE OF CONTENTS

CHAPTER 15. *[Reserved]*

CHAPTER 16. ELECTRONIC FUND TRANSFER AND CONSUMER PROTECTION

- § 16:2 Electronic Fund Transfers (15 U.S.C.A. § 1693) *[Retitled]*
 § 16:2.50 Electronic Fund Transfers (Regulation E 12 C.F.R. §§ 205.1
 et seq.) *[Retitled]*
 § 16:9 Regulation CC, Availability of Funds and Collection of
 Checks

Table of Contents

CHAPTER 17. TRUTH IN LENDING ACT

- § 17:2 Truth in Lending Act (15 U.S.C.A. 1601 to 1666j) *[Retitled]*
- § 17:3 Truth in Lending Regulations (Regulation Z—12 CFR §§ 226.5 et seq.)—Subchapter A. Board of Governors of the Federal Reserve System *[Retitled]*
- § 17:4 *[Reserved]*
- § 17:5 *[Reserved]*
- § 17:6 Truth in Lending Act (Regulation Z—12 CFR §§ 1026.1 et seq.)—Chapter X. Bureau of Consumer Financial Protection *[New]*

CHAPTER 18. CONSUMER LEASING ACT

- § 18:2 Consumer Leasing Act (15 U.S.C.A. §§ 1667 et seq.) *[Retitled]*
- § 18:3 Consumer Leasing Act Regulations (Regulation M—12 CFR 226.1 et seq.)—Subchapter A. Board of Governors of the Federal Reserve System *[Retitled]*
- § 18:4 Consumer Leasing Act Regulations (Regulation M—12 CFR §§ 1013.1 to 1013.9 and Appendix A Model Forms)—Chapter X. Bureau of Consumer Financial Protection *[New]*

CHAPTER 19. EQUAL CREDIT OPPORTUNITY ACT

- § 19:2 Equal Credit Opportunity Act (15 U.S.C.A. §§ 1691 et seq.) *[Retitled]*
- § 19:3 Equal Credit Opportunity Regulations (Regulation B—12 C.F.R. §§ 202.1 et seq.) *[Retitled]*

CHAPTER 20. FAIR CREDIT REPORTING ACT

- § 20:2 Fair Credit Reporting Act (15 U.S.C.A. §§ 1681 et seq.) *[Retitled]*

HANDLING CONSUMER CREDIT CASES

§ 20:4 Fair Credit Reporting Act Regulations (Regulation V—12 C.F.R. §§ 222) *[Retitled]*

CHAPTER 21. FAIR DEBT COLLECTION PRACTICES ACT

§ 21:2 Fair Debt Collections Practices Act (15 U.S.C.A. §§ 1692 et seq.) *[Retitled]*

§ 21:3 Fair Debt Collection Practices Act Regulations (Regulation F—12 C.F.R. §§ 1090) *[New]*

CHAPTER 24. HOLDER IN DUE COURSE DOCTRINE

§ 24:3 Case decisions *[New]*

CHAPTER 25. HOME MORTGAGE DISCLOSURE ACT

§ 25:3 Regulation C (12 C.F.R. 203)

CHAPTER 29. UNFAIR OR DECEPTIVE ACTS OR PRACTICES *[New]*

§ 29:1 Unfair or Deceptive Acts or Practices (Regulation AA—12 C.F.R. §§ 227.1 et seq.) *[New]*

CHAPTER 30. ANTI-CRIME AND TERRORISM DEVELOPMENTS *[New]*

§ 30:1 Identity Theft Task Force *[New]*

CHAPTER 31. LITIGATION AND PROCEDURE

A. TRUTH IN LENDING (REGULATION Z)

§ 31:1 Authority, purpose, coverage, organization, enforcement, and liability (12 C.F.R. § 226.1)

§ 31:2 Definitions and rules of construction (12 C.F.R. § 226.2)

CHAPTER 32. CONSUMER PROTECTION

A. BUREAU OF CONSUMER FINANCIAL PROTECTION

§ 32:1 Definitions (12 U.S.C.A. § 5481)

TABLE OF CONTENTS

§ 32:2 Establishment of the Bureau (12 U.S.C.A. § 5491)

§ 32:3 Executive Administrative Powers (12 U.S.C.A. § 5492)

B. ENFORCEMENT POWERS

§ 32:4 Definitions (12 U.S.C.A. § 5561)

§ 32:5 Hearings and adjudication proceedings (12 U.S.C.A. § 5563)

§ 32:6 Litigation authority (12 U.S.C.A. § 5564)

§ 32:7 Relief available (12 U.S.C.A. § 5565)

§ 32:8 Referrals for criminal proceedings (12 U.S.C.A. § 5566)