MINNESOTA PRACTICE SERIES™

Volume 26

Collections Handbook

2026-2027 Edition

Issued in November 2026

By

ALLAN ZLIMEN

&

BRYAN ZLIMEN

Canopy Business Law

Roseville, MN

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For Customer Assistance Call 1-800-328-4880

Mat #43401222

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ISBN 979-8-350-26603-0

PREFACE

Compliance with the myriad laws and regulations remains a paramount ingredient in the legal collections process. Despite its apparent demise several times, the CFPB continues its enforcement activities. More than 300,000 complaints were filed in the past year against collectors alleging collector violations of the FDCPA. There were 4,534 federal court actions filed against collectors in 2025, a 7.8 percent increase over 2024.

An 8th Circuit decision was filed requiring that the collector conduct be "material" before it is actionable. *See* Hill v Account Receivable Services, LLC, No. 16-4356 (8th. Cir. 2018). Allegations of false and misleading statements failed to meet a materiality standard. That case and others are discussed in this volume.

On the State level, Minnesota Courts have now updated their standard forms around Demands for Disclosure. *See* Court Form JGM306.

Acknowledgment

True credit for this volume belongs to my dedicated, knowledgeable, and hardworking staff, including Janet Moen and Terri Kolhoff. Without their help, this book would have been an impossibility.

How to Use This Manual

Chapters 1 through 7 of this manual provide a somewhat chronologically oriented analysis of procedures and statutes beginning prior to acceptance of a claim by your office, culminating with the post judgment remedies. It is a plainly spoken combination of analysis and recommendation.

Chapter 8 focuses on compliance with the Fair Debt Collection Practices Act. While recommendations are integrated throughout the text, the unfamiliar must read chapter 8 in order to get a realistic understanding of the applications of the Fair Debt Collection Practices Act.

Chapter 9 begins a procedural step by step "how to" section, and includes references to the specific forms, affidavits, orders, and suggestions necessary to accomplish each step in the process.

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