

7 AVOID PITFALLS AND ERRORS

As you construct your response, you must avoid the most frequent pitfalls in language that will place you in dishonor. Remember English-101:

- Waiting longer than 72 hours before responding.
- Giving the impression you agree with their offer.
- Conditionally accepting an offer they have not made.
- Requesting documents that do not apply to their offer.
- Requesting documents that support their claims
- Testifying.
- Arguing.
- Failing to specify a response date.
- Failing to specify a response address.
- Not giving reasonable time to respond to your CA/A.
- Not giving a reasonable time to respond with an accounting [UCC 9-210(4)(d) = 14 days].
- Setting unrealistic and unsubstantiated damage amounts.
- Failing to give notice to the court that you are handling this matter privately (if applicable).
- Failing for subsequent offers, traversing to their issue and leaving your CA behind.
- Starting the CA/A process before you are ready to finish it.
- Failing to understand the principles and law applicable to what you are doing.

Errors will place you into unintended dishonor. Remember that dishonor equals loss, equals the debtor. Errors generally fall into two types of categories:

- 1) Uncorrected errors in either procedure or substance.
- 2) Incorrect use of phrases and terms, or making statements of argument:
 - a) Unacceptable
 - b) No good
 - c) Fraudulent
 - d) Prima facie evidence
 - e) Non-meritorious
 - f) "I don't understand"
 - g) Makes no sense
 - h) Incomplete accounting
 - i) Incomplete records
 - j) Making a claim
 - k) Making a statement
 - l) Making a bluff

MOST IMPORTANTLY

Know who you are. If you are not a Secured Party, you must tailor the return addresses and the text to reflect your name in all upper case letters all the time. If you are a secured party for your strawman, you must ensure that the language in the documents reflects what things you are doing and what things the strawman name applies to. The documents that are templates are not customized for YOUR specific situation. It's your job to know what you're doing and read before you sign anything. You will determine how many additional duplicate originals from the Notary you will need of each Proof of Service and each of the Notices and Notary Notes.