

ARCADIA NEWS

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AWARD WINNING NEIGHBORHOOD NEWS SINCE 1993

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Arcadia native and helicopter pilot Anne (Hotis) Wilson on the deck of the USS Kansas City. The helicopter is the H-46 Sea Knight, and its rotor blades are folded, so it can fit into the ship's hangar. Her journey from AHS to the Naval Academy starts on page 19.

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We honor our local heroes, past and present with photos provided by the community.

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Local fitness club works with Habitat for Humanity to build a family shelter for the holidays.

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After a nationwide search, *Women's Health* names a local trainer their newest 'Fitness Star.'

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Mark A. Wyse, M.D.



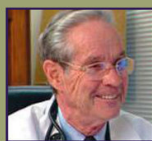
Kate Montgomery, FNP



Allan Goldman, D.O.



David Francyk, D.O.



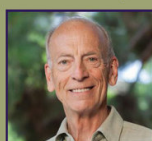
T.E. McCauley, M.D.



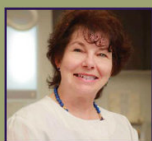
Charles Levison, M.D.

David Anderson, O.D.
OptometristTyler Southwell, M.D.
Certified in DOT PhysicalsAndrew Racette, D.O.
Certified Dermatologist

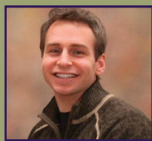
Alisha Archibeck, D.O.



Walter Koppenbrink, M.D.

Jennifer Francyk, PA-C
Certified in DOT Physicals

Victoria Rhodes, P.A.

James Leap, PA-C
Physician Assistant

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How to collect unpaid money

By Timothy W. Overton

You sold the goods or provided the services, but your customer isn't paying. Now what? Although there's not one sure-fire solution to



every collection problem, the following steps will give you the best chance for collecting your money without going into the red.

Do your due diligence before the transaction – Vet your potential customer by doing a little research. If there is enough money at stake, pay for a \$20 background search or purchase a Dun & Bradstreet report. These findings can warn you who to avoid or put on stricter-than-usual contract and/or credit terms.

Contract with terms favorable to you and make sure the customer signs – Read and revise the contract(s) to fix the section(s) that could save hundreds if not thousands of dollars in attorneys' fees, such as "customer agrees to pay legal fees and costs in the event of nonpayment," or "the parties agree to venue and jurisdiction in Maricopa County, Arizona." Always include interest on late payments, which encourages customers to pay sooner.

Use a system that informs you when a customer is late – The closer you are in time to the transaction, the more likely you are to collect. In fact, an email or phone call the day before a bill is late can make a world of difference on whether and when you get paid.

Go into collection mode – If you have the temperament for it, don't call a lawyer or debt collector before you try the steps they will take. For example, don't pay a lawyer \$500 to write a letter you can write first, and don't promise a debt collector 50 percent of what's owed for them to make a couple of phone calls you can make. If you collect your own debt rather than hire out, the Fair Debt Collection Practices Act does not apply to you as long as you don't use a different name that implies a third party is attempting to collect the debt.

Take pre-lawsuit collection steps – Start

LEGAL EASE

with email. This gives them written notice they have not complied with your agreement and written proof of your demand and any response they send you. Next, make a friendly but firm call to establish live contact with the customer. Talking with the customer will give you a feel for where they are and put them in the position of having to answer your questions directly. Finally, send a short, firm letter with a draft legal complaint that has your company listed as the plaintiff, the customer listed as the defendant, and everything included in the complaint that is required for filing in court. This letter is more effective when coming from an attorney on legal letterhead. When the customer has the choice of either paying you or paying court and/or attorneys' costs and fees, they would rather pay you. Justice court complaint samples are available online at justicecourts.maricopa.gov.

Pursue legal proceedings or a debt collector – If you've been unable to collect after all the pre-lawsuit steps, file the complaint yourself or turn the matter over to a debt collector or attorney.

Execute on the judgment – Once you get a judgment, follow the required steps to garnish bank accounts, wages or other property. If the customer has ever paid with a check or bank account, keep that information so you can more easily garnish funds from that account.

Throughout the process, be willing to negotiate and, if necessary, compromise on the amount and terms of payment. If you haven't had success with emails, calls or letters, be willing to take a one-time payment of some percentage, i.e., 80 percent, of the outstanding amount if paid within 30 days. Also consider accepting weekly or monthly payments until the total outstanding amount is paid, which should happen within six months.

— Timothy W. Overton is a shareholder at Gallagher & Kennedy. For more information about Mr. Overton, please go to gknet.com.

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