



BROWARD COMMUNITY COLLEGE COURSE OUTLINE

LAST REVIEW: 2008-2009

NEXT REVIEW: 2013-2014

STATUS: A

COURSE TITLE: Debtor-Creditor Relations

COMMON COURSE NUMBER: PLA 2466

CREDIT HOURS: 3

CONTACT HOUR BREAKDOWN

CLOCK HOURS: 48

Lecture: 48

Lab:

Clinic:

Other:

PREREQUISITE(S): ENC 1101, PLA 1003, PLA 1104 or instructor approval

COREQUISITE(S): NONE

PRE/COREQUISITE(S):

COURSE DESCRIPTION: This course provides an in-depth study of Debtor/Creditor law. Topics covered include collection of debts through court processes, post-judgment collection practices, bankruptcy law, landlord/tenant debt law, collection of debts based upon negotiable instruments, federal consumer collection acts, and foreclosure actions.

General Education Requirements - Associate of Arts Degree, meets Area(s):

General Education Requirements - Associate in Science Degree, meets Area(s):

UNIT TITLES

- 1. Collection of Debts through Court Processes**
- 2. Post-Judgment Collection Practices**
- 3. Bankruptcy Law**
- 4. Landlord/Tenant Debt Law**
- 5. Collection of Debts Based Upon Negotiable Instruments**
- 6. Federal Consumer Collection Acts**
- 7. Foreclosure Actions**



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ASSESSMENT:

Please provide a brief description (250 characters maximum) that details how students will be assessed on the course outcomes.

1. Quizzes, Test, and/or Final Exam (cumulative/comprehensive);
2. Selected faculty may assess homework, projects, class participation/attendance, and/or extra credit projects.

****Complete the following only if course is seeking general education status ****

GENERAL EDUCATION Competencies and Skills *:

Please highlight in green font all Competencies/Skills from the list below that apply to this course. In the box to the right of the Competency/Skill, enter all specific learning outcome numbers (i.e. 1.1, 2.7, 5.12) that apply.

1. Read with critical comprehension	
2. Speak and listen effectively	
3. Speak and listen effectively	
4. Think creatively, logically, critically, and reflectively (analyze, synthesize, apply, and evaluate)	
5. Demonstrate and apply literacy in its various forms: <i>(highlight in green ALL that apply)</i> (1. technological, 2. informational, 3. mathematical, 4. scientific, 5. cultural, 6. historical, 7. aesthetic and/or 8. environmental)	
6. Apply problem solving techniques to real-world experiences	
7. Apply methods of scientific inquiry	
8. Demonstrate an understanding of the physical and biological environment and how it is impacted by human beings	
9. Demonstrate an understanding of and appreciation for human diversities and commonalities	
10. Collaborate with others to achieve common goals.	
11. Research, synthesize and produce original work	
12. Practice ethical behavior	
13. Demonstrate self-direction and self motivation	
14. Assume responsibility for and understand the impact of personal behaviors on self and society	
15. Contribute to the welfare of the community	

** General Education Competencies and Skills endorsed by '05-'06 General Education Task Force*



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Common Course Number: PLA 2466

UNITS

I. Course Overview:

Upon successful completion of this course, the students should be able to assist an attorney engaged in a law practice involving secured transactions, bankruptcy, foreclosure actions, landlord/tenant litigation, and other debt collection issues. The students should also be able to describe federal and state consumer debt collection statutes.

Unit 1- Collection of Debts Through Court Processes

General Outcome:

- 1.0 The students should be able to discuss the characteristics, advantages, and disadvantages of the various means (pre-judgment) by which debts are collected through the use of the judicial process, and prepare all pre-judgment writs, as well as a variety of discovery documents and pleadings.

Specific Measurable Learning Outcomes:

Upon successful completion of this unit, the student shall be able to:

- 1.1 Define and describe the various forms of prejudgment writs, including:
 - 1.1.1 Replevin
 - 1.1.2 Attachment
 - 1.1.3 Garnishment
 - 1.1.4 Receivership
- 1.2 Describe the methods and procedures used to void fraudulent conveyances.
- 1.3 Explain the methods for executing liens.
- 1.4 Use of standard interrogatories and pleadings required to set up a deposition. (AMENDED)



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Unit 2- Post-Judgment Collection Practices

General Outcome:

- 2.0 The students should be able to discuss the characteristics, advantages, and disadvantages of the various means (post-judgment) by which debts are collected through the use of the judicial process, and prepare post-judgment writs, motions, and other pleadings necessary for supplementary proceedings, as well as pleadings necessary to execute on post-judgment liens.**

Specific Measurable Learning Outcomes:

Upon successful completion of this unit, the student shall be able to:

- 2.1 Define and describe the various forms of post-judgment writs, including:**
- 2.1.1 Replevin**
 - 2.1.2 Attachment**
 - 2.1.3 Garnishment**
 - 2.1.4 Receivership**
- 2.2 Explain the methods for executing a final judgment.**
- 2.3 Explain and define "supplementary proceedings" and draft a motion for supplementary proceedings.**
- 2.4 Draft requests for production in aid of execution.**



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Unit 3- Bankruptcy Law

General Outcome:

- 3.0 The students should be able to explain the various kinds of bankruptcies, the procedure for opening and closing a bankruptcy proceeding, the property that is affected by a bankruptcy, and the priority of claims.**

Specific Measurable Learning Outcomes:

Upon successful completion of this unit, the student shall be able to:

- 3.1 Explain and define:**
- 3.1.1 A Chapter 7 liquidation**
 - 3.1.2 A Chapter 13 liquidation**
 - 3.1.3 A Chapter 11 reorganization**
- 3.2 Explain the difference between voluntary and involuntary bankruptcies.**
- 3.3 Explain and define an Automatic Stay imposed as a result of bankruptcy, and the methods to terminate the stay.**
- 3.4 Identify the property from the estate of the debtor that is:**
- 3.4.1 Exempt from bankruptcy**
 - 3.4.2 Included in the estate of the debtor**
- 3.5 Define and explain preferential and/or fraudulent transfers.**
- 3.6 Describe the effect of bankruptcy on secured claims.**
- 3.7 Define the effect of a debtor's rejection, assumption, or assignment of leases and contracts previously entered into by the debtor with third parties.**
- 3.8 List the order of priority for claims of various kinds of creditors.**
- 3.9 Indicate circumstances under which debtors receive a discharge in bankruptcy, and the effect of the discharge.**
- 3.10 Explain which obligations are affected by a discharge in bankruptcy.**



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3.11 Identify the standards for accepting or rejecting a bankruptcy plan.



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Unit 4- Landlord/Tenant Debt Law

General Outcome:

- 4.0 The students should be able to explain the law and procedure necessary to collect upon a landlord's lien, and draft pleadings necessary to accomplish such a collection.

Specific Measurable Learning Outcomes:

Upon successful completion of this unit, the student shall be able to:

- 4.1 Define landlord's liens.
- 4.2 Explain the judicial process needed in order to collect upon the liens.
- 4.3 Prepare any necessary pleadings required in order for the landlord to collect upon the liens in court.
- 4.4 Explain and define the rights and the duties of the landlord and the tenant based upon state statute.



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Unit 5- Collection of Debts Based Upon Negotiable Instruments

General Outcome:

- 5.0** The students should be able to explain both the law and the procedure for the collection of debts based upon negotiable instruments and draft discovery documents based upon such collections.

Specific Measurable Learning Outcomes:

Upon successful completion of this unit, the student shall be able to:

- 5.1** Define and explain negotiable instruments.
- 5.2** Explain all pleadings and procedures necessary for the collection of any outstanding debts based upon negotiable instruments through the court process.
- 5.3** Draft discovery documents necessary for any litigation pertaining to collections based upon negotiable instruments.
- 5.4** Explain and define the rights and the duties of the debtors and creditors involving negotiable instruments based upon state statute.



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Unit 6- Federal Consumer Collection Acts

General Outcome:

- 6.0 The students should be able to discuss in detail the basic features of the federal consumer protection and debt collection acts.**

Specific Measurable Learning Outcomes:

Upon successful completion of this unit, the student shall be able to:

- 6.1 Identify the key components of the following legislative acts:**
- 6.1.1 The Truth in Lending Act**
 - 6.1.2 The Federal Consumer Protection Act**
 - 6.1.3 The Fair Trade Debt Collection Act**
- 6.2 Define and explain statutes pertaining to the duties of a collection agency.**
- 6.3 Define and explain all federal statutes pertaining to consumer rights in collection matters.**



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Unit 7-Foreclosure Actions

General Outcome:

- 7.0** The students should be able to explain the general law pertaining to mortgages, deficiency judgments, lis pendens, and the foreclosure process; draft basic pleadings pertaining to these legal matters, and explain the role of the legal assistant in foreclosure actions.

Specific Measurable Learning Outcomes:

Upon successful completion of this unit, the student shall be able to:

- 7.1** Define and explain the terms:
- 7.1.1** Mortgage
 - 7.1.2** Mortgagee
 - 7.1.3** Mortgagor
 - 7.1.4** Deficiency judgment
- 7.2** Explain and draft all pleadings necessary to file a mortgage foreclosure.
- 7.3** Explain and draft all pleadings necessary to collect on a deficiency judgment.
- 7.4** Define, explain, and draft a lis pendens.
- 7.5** Explain the process by which foreclosure property is sold.
- 7.6** Identify the functions of a legal assistant in the foreclosure process.
- 7.7** Explain and define a deed in lieu of foreclosure, and draft same.