



focused on you

Debt Recovery



Chamberlain McBain

Chamberlain McBain's debt recovery department provides a bespoke collection service for each client through a partnership style relationship. Our innovative debt recovery system is unrivalled. Whilst our collection system can be fully automated, we tailor the system and manipulate the actual process, in order to offer our clients the system most suitable for them, reflecting their needs and budget.

We are committed to maintaining contact with our clients throughout the collection process, ensuring that they are always aware of progress and of any associated costs. Regular reporting and obtaining authority before proceeding with any enforcement action, means the client remains in total control. As we only charge for the work carried out, expenditure in respect of each account can be fully audited.

Having Chamberlain McBain to assist with the recovery of unpaid invoices will help free up your resources, preventing you having to waste precious time on chasing up unpaid bills. Furthermore, we work to recover your debts fast and efficiently, at minimal cost to yourself. Chamberlain McBain do not charge you a percentage of the debt recovered, only for the work actually done, so should settlement be received as a result of just one letter, then you will only be charged for that letter. In addition, as far as possible we limit costs to those recoverable from the debtor.

Chamberlain McBain act for a number of organisations, from large plc's to the small entrepreneur. Our staff can deal with or arrange for the carrying out of all aspects of debt recovery on your behalf, from the letter of demand through to Sequestration (Bankruptcy) or Liquidation.

With the Launch of **Chamberlain McBain Online**, our Online Tracking and Instruction System, using our services has never been easier. This state-of-the-art system enables our clients to instruct actions and track the progress of cases from the comfort of their home, office or any other location. This secure service is available 24/7.

THE PROCESSES

Procedures commonly used

Following from consultation, our process will be tailored to meet your own specific requirements and integrated with your own debt management procedures. The process can include the carrying out, or arranging for the carrying out, of some or all of the following:

- Letter before action*
- Post litigation letter*
- Telephone collections
- Pre-sue/status enquiry
- Trace enquiries
- Court action
- Diligence on the dependence/protective diligence
- Enforcement– Charge/Earnings Arrestment/Attachment/Auction
- Statutory Demand
- Sequestration
- Inhibition
- Consultation/advice/appearance in defended action

* The text can be tailored to your requirements

To the extent required by law, some of the above services will be provided directly to you by a solicitor regulated by the Law Society of Scotland.

Letter Before Action

It is possible that a debtor has become complacent and waits until the matter is transferred to a third party before paying. In many cases the threat of court action brings about settlement of the sums due. Regardless of whether a letter before action is sent, however, we can issue a Statutory Demand or arrange for the instigation of proceedings on your behalf.

Telephone Collection / Pre-sue – Status – Trace Enquiry

To assist in the decision process a telephone call can be made to the debtor or a status/pre-sue enquiry conducted. These actions may invoke payment or proposals from the debtor and result in vital information being obtained, such as details of assets and employers, which would assist should court action prove necessary. A pre-sue enquiry will also establish if a debtor has absconded and may save the expense of court action being raised needlessly. Investigations to trace the absconded debtor can be carried out. It has to be borne in mind however that the expense of all these actions is non-recoverable from the debtor.

THE PROCESSES

Diligence on the Dependence – 3rd Party Arrestment/Inhibition

If it is known that a debtor has funds held by a third party (mostly likely their bank), or is in the process of selling any heritable property steps may be taken to arrest these funds or inhibit the debtor prior to service of an action. This is known as Diligence on the Dependence and is unique to Scotland. The creditor is thus afforded the opportunity to secure their position prior to the debtor defending any action or Decree being granted. These actions can also be executed following upon the issue of an Extract Decree.

Enforcement of Decree – Charge

Once Decree has been obtained a Charge for Payment of Money needs to be served upon the defender by a Sheriff Officer. This is a demand for payment to be made within 14 days of the date of service. It is important that at this stage the Sheriff Officer provides a full report of the defender's circumstances. A Charge is valid for two years.

Enforcement of Decree – Earnings Arrestment

After the days of Charge have expired you can get an arrestment of the defender's earnings. An earnings arrestment can only be issued to an employer who has a place of business or registered office in Scotland. No other form of diligence can be pursued while an earnings arrestment is in operation, other than an Inhibition, which is considered, even after Decree has been obtained, as "protective diligence".

Enforcement of Decree – Attachment

Following upon the expiry of a charge Sheriff Officers can be instructed to execute an Attachment on the defender's corporeal moveable property. Under the Debt Arrangement and Attachment (Scotland) Act 2002 a number of goods are exempt from Attachment, including goods within a dwelling house. Therefore, in reality this is more effective against a company. When carrying out an Attachment, the Sheriff Officer takes into account not only the sum due in the Charge for Payment of Money, but also his fee and any future expenses of an Auction.

Enforcement of Decree – Exceptional Attachment Order

Non-essential articles kept within a dwelling house can only be removed under an exceptional attachment order. The Sheriff must take into account a number of factors before granting this order. Therefore, settlement and an arrestment (if necessary) must be attempted and the value of the assets must meet recoverable expenses and 10% (or £50 whichever is the lesser amount) of the debt sued for.

THE PROCESSES

Enforcement of Decree – Auction

After the Attachment has been reported to the Sheriff, the officer who attached the articles can make arrangements for the auction of said articles. This must be intimated to anyone whose goods were attached. The auction cannot take place until at least seven days after the goods have been removed and must be in public at an auction room or other place agreed by the parties. An auction cannot be cancelled on more than two occasions. Once the officer's fees and outlays have been paid the proceeds of the auction go to the creditor and if there is any surplus this is returned to the debtor.

Sequestration

Where the defender is unable to satisfy the debt due, and recovery by other means is not possible, sequestration is an option which we can arrange on your behalf. A petition can be lodged immediately upon expiry of a charge for payment or statutory demand, or any time within four months, providing the total debt exceeds £1500.

Recoverable expenses

Expenses raising an action, together with either contractual or judicial interest are recoverable from the debtor. In addition, costs, exclusive of VAT, relating to executed (successful) diligence following Decree are added to the debt. Amounts recoverable in terms of the contract are added where appropriate.

Where interest has accrued prior to the issue of proceedings (contractual) this sum will be added as an additional crave and interest will accrue on this sum at the judicial rate – effectively, interest on interest.

Late Payments of Commercial debts (Interest) Act 1998

This Act was introduced in November 1998 and with the third and final stage now in place all businesses can claim late payment interest from any other business. This interest can be claimed at 8% above the bank of England base rate once the debt remains outstanding after the due date for payment. This is significantly higher than the judicial rate of 8% which is only added to the sum due following service of court proceedings. In addition, you can also now claim compensation for a debt which is paid late. Both of these can now be claimed at the seven day letter stage.

THE PROCESSES

Collection of Money

Debtors can pay by a variety of methods

Cheque/cash by post or in person

By debit or credit card.



Credit card payments (Visa & MasterCard only) will attract a 3% surcharge which will be payable by the debtor as they are effectively transferring the debt to another party. All card payments will attract a £1 handling fee. Standard merchant conditions apply, a copy of which is available on request.

A letter can also be sent out with a bank giro slip attached. Funds can be paid direct into your account, showing your own unique 6-digit reference number.



PAY-IN SLIP

36 Some Street, England



Date: _____
Teller's stamp
and initials

Credit
Paid in by

Cash	
Cheque	
TOTAL	

Do not write or mark below this line

C756001C 12D1356A 12345678C 77

ENHANCED

Remittance of Funds

Funds collected will be accounted for monthly, usually gross.

Detailed Invoicing

Each month an individual fee note will be sent detailing work carried out on that particular file and any associated fees and/or outlays. This enables the client to not only monitor progress, but to scrutinise costs as and when they are incurred, rather than a hefty bill at the end.

Communication

Chamberlain McBain sees the key to successful recovery being communication, not only with the client, but also the debtor. By extracting as much information as possible from all sources, and where possible, seeking verification, this enables the client to make a more informed decision and maximise on recovery prospects and/or reduce further exposure by way of increased fees and expenses.

Throughout the collection process, Chamberlain McBain will speak with the client and will take instructions before moving to the next stage, allowing the client to remain in total control the whole time.

Training

Chamberlain McBain can arrange an extremely useful training programme for your staff. The options are:

- 1) One-day training seminar at your place of business within the UK. Those attending will include a solicitor, paralegal and Sheriff Officer and will cover:
 - Jurisdiction
 - Issuing Proceedings
 - Diligence on the Dependence of action
 - Enforcement of a Decree
 - Brief insight into Sequestration and Liquidation
 - Defended Actions

- 2) Two day training seminar in Edinburgh (possibly with other clients) which will cover the above subjects in slightly more detail and look at:
 - The role of the Sheriff Officer and Messenger-at-Arms
 - Tour of Edinburgh Sheriff Court and Court of Session
 - Tactics and methods employed by a Private Investigator.

Regardless of which training course is selected, all delegates will receive a comprehensive set of training notes which includes a number of diagrams and sample forms.


Our staff is always on hand to offer advice, to discuss any particular issue that may arise, and to look at alternatives together with costings etc.

Chamberlain McBain Online

24 Hours Access – 7 Days per Week

Our online system allows our clients to instruct actions and track the progress of cases. It is available 24/7 and can be accessed from anywhere.

If you are new to our website and have received your verification code, simply go to (www.cmcb.co.uk) and click “Sign In”. Then click “Here” where it suggests signing up. If you have not received a verification code, you can request one after the “Sign In” stage.



Registration for online web service

Using the online service you can quickly and easily add actions against debtors, using a simple form.

If you are already a client of Chamberlain McBain, all you need do is enter your Client ID and the password you wish to use for the service, and we will enable your account. In order to protect against bogus activations, you must first obtain a verification code from us. If you do not yet have this code, please send an email to sitesupport@cmcb.co.uk giving your details and we will send you your verification code.

Client ID

Password

Retype Password

Verification Code

Press submit only once - it may take up to 3 minutes to process your application

Once you have established an account, you need merely enter your ClientID and password at the sign in screen to gain access. From the menu, you can choose three options;

CHAMBERLAIN MCBAIN CLIENT AREA

You have successfully logged into the Chamberlain McBain Client Area.

You can utilise this area to load new debt recovery instructions and to tell us what initial action you would like us to take against them.

You can also buy "credits". Credits are a cheap way of sending letters of demand and eliminates the hassle and expense of having to process our small invoices.

View cases allows you to access the individual debt recovery accounts you have placed with us; to provide us with real time instructions (24/7) and/or notify us of any payments received. While the database is only updated once every 24 hours, you can see the progress on your individual accounts as well as view closed cases (the latter are not updated once closed)

Please do not attempt to use this system for matters which are not debt recovery matters. In these instances, please contact Chamberlain McBain directly.

MENU

[Add Action Against Debtor](#)

[Credits Management](#)

[View Cases](#)

Significant savings can be made by purchasing credits online and using them to action seven day letters. Credits can be bought for £25+Vat for 10, using our secure online purchase form which you can reach by clicking [Credits Management](#).

Option for each menu choice are detailed on the screen.

In essence, the first option allows you to furnish us with new debt recovery instructions (where you are the creditor). The second allows you to purchase "credits" to save you time and money, and the third gives you access to all your accounts.

To view your actions, you are presented with an overview of your cases with us;

Welcome Chamberlain McBain

Active Cases:

Defender	Your Reference	Our Reference	
re Limited	GM/CAP06.5364	5634	>>
Agency	GM	5596	>>

Recently Closed Cases:

Defender	Your Reference	Our Reference	Date Closed	
ted	GM/	1402	12/12/2001	>>
ted Ceilings	SS/AFI01	3305	21/05/2003	>>
1 Events	GM/	2507	17/07/2002	>>
stering Engineering Services Ltd	RS/	3226	09/09/2003	>>
Union Ltd	MC/CAP01	3304	07/05/2003	>>

Case Archive (50 cases): [Show Old Cases](#)

[Ask CMCB a question](#)

By clicking on the double arrow box, a new screen will open giving you details of that actual case.

To access older archived cases click on "show old cases" and your list will automatically expand for you.

Please note: closed files are not updated once the file is first closed.

While from the above screen you may ask a general question, when you access a particular case, you are given the option to advise us of payments received or to give us further instructions. Just use the appropriate button at the foot of the page.

We hope you find the new system of use and would welcome any feed back or suggestions you may have.

TERMS Disbursements will be added fees quoted, including Sheriff Officer and Messenger-at-Arms fees. VAT, where applicable, will be added at the prevailing rate. Outlays may be requested up front. Court fees may change without notice. Invoices will be issued monthly, on a net basis, and all charges must be paid within fourteen days. In the event that an invoice is not paid timeously, interest will accrue on the unpaid sum at the rate of 8% above the base lending rate of The Royal Bank of Scotland plc until the date of payment. To the extent required by law some of the services will be provided directly to you by a solicitor regulated by the Law Society of Scotland. Please refer to our full terms and conditions.

Chamberlain McBain

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