



CONSUMER RESOURCES

All laws are subject to change without notice. This information is based on Florida law only and is NOT intended to be legal advice.

Repossession

If you break your agreement with a lender on a car/truck/RV loan, they have the right to repossess (take back) the vehicle. Usually they take it back because you have missed payments but there are other possible reasons for a repossession (like not having proper insurance on the vehicle).

What you can do

- If your car has not already been repossessed, you can speak to the lender about a potential payment plan, refinance or other workout agreement. They are not required to accept your offer, but you should always try. If you are able to work something out, make sure you get the agreement in writing in case there is dispute later.

What your creditor has to do:

- If the creditor decides to repossess your vehicle, they must do so without “breaching the peace”. This means they can’t break into a garage, open a locked gate, etc.
- After the vehicle is repossessed, the lender should send you a letter notifying you of the repossession and letting you know how much you need to pay to get the vehicle back and how you can get your personal property out of the vehicle. This letter is usually called a “Notice of Intent to Sell”.

**** IT IS VERY IMPORTANT THAT YOU KEEP THIS LETTER FOR AT LEAST 5 YEARS FOLLOWING THE REPOSSESSION.**

- The lender is allowed to charge you a storage fee for the vehicle and your belongings which you will have to pay to get them back. That is legal.
- If you can’t pay the full amount due to get your vehicle back, the lender will sell your car at public or private auction.
 - If the car does not sell for at least the outstanding amount of your loan, plus repossession costs and interest, which it generally would not, they have the right to sue you for the remaining balance (see Repossession Deficiency packet).
- After the sale of your vehicle, you should receive a second letter from the creditor explaining if and why you still owe them money. This letter is usually called a “Notice of Deficiency”.

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If you would like to learn more about what your creditors can and cannot do

- You may attend the *Consumer Rights Clinic*.
 - This clinic is held on the third Wednesday of every month at 5:00 p.m. at the Adams Street Office of *Jacksonville Area Legal Aid*.

Jacksonville Area Legal Aid is sorry it can’t be of more assistance at this time. Please feel free to come again should you have other legal problems. Jacksonville Area Legal Aid wishes you the best of luck in the future.

**Jacksonville Area Legal Aid
126 W. Adams St.
Jacksonville, FL 32202
904-356-8371**