

HOW TO AVOID COMMON MISTAKES WHEN DEALING WITH THE VA

Advice from an attorney familiar with VA deficiency claims can greatly assist the veteran and help assure that fundamental mistakes are not made. Here is a list of common mistakes made by veterans when dealing with the VA:

- 1. Not Getting a Copy of Your VA File:** Normally, the VA will make available a copy of the entire file regarding the mortgage foreclosure and deficiency process. Many times the papers are 10 or 15 years old or older and the veteran cannot remember all the relevant details. Always try to get a copy of your file before making representations to the VA.
- 2. Seeking a Waiver Without Legal Advice:** Many of the cases are very old and technically may be barred by the applicable Statute of Limitations. However, the legal analysis of this factor is difficult, especially for Minnesota veterans originally part of the Minnesota class action lawsuit. By submitting a waiver request, the veteran should not inadvertently admit the existence or legality of the alleged debt.
- 3. Providing Too Much Financial Information:** The VA will frequently request complete financial information from the veteran in order to analyze a waiver request or compromise offer. It is imperative that the veteran know that if the VA is provided with financial information and then **denies** the waiver or compromise offer, the VA then has additional crucial information which may help the VA in collection of the debt.
- 4. Overpaying Your Taxes:** The VA has a tax intercept program which applies to many veterans. If you do have a deficiency claim pending with the VA, you should adjust your withholding or quarterly tax payments to **avoid** having a tax refund which in turn will be intercepted by the VA.

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