

how to stop debt review

How to Stop Debt Review: A Comprehensive Guide

how to stop debt review is a question many South Africans grapple with as they seek financial freedom or find themselves in a position where their circumstances have changed. Debt review, while initially a beneficial process for managing overwhelming debt, is not a permanent solution. Understanding the pathways to exit this program is crucial for regaining full control of your finances. This article will delve into the various methods and considerations involved in successfully stopping debt review, including the legal implications, the role of the National Credit Tribunal, and the steps to take with your debt counsellor. We will explore the conditions under which you can exit debt review, the importance of settling your accounts, and what to do once you have successfully completed the process.

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Understanding the Debt Review Process

The debt review process, regulated by the National Credit Act (NCA) in South Africa, is designed to assist consumers who are experiencing over-indebtedness. A registered debt counsellor assesses your financial situation, negotiates with your credit providers to restructure your repayment terms, and proposes a single, manageable monthly payment. This payment is then distributed to your creditors. While in debt review, your accounts are marked as “under debt review” on your credit profile, and you are legally protected from debt collection actions by creditors. The goal is to make your debt more manageable and to help you avoid sequestration or liquidation.

The initial assessment by a debt counsellor involves a thorough review of your income, expenses, and all outstanding credit agreements. If over-indebtedness is confirmed, the debt counsellor will approach your credit providers to seek reduced interest rates, extended repayment periods, or other forms of relief. If an agreement is reached with the majority of your

credit providers, the debt counsellor can apply to the National Credit Tribunal (NCT) for a court order to make these restructured payments legally binding on all your creditors, including those who may not have initially agreed.

Reasons for Wanting to Stop Debt Review

There are several legitimate reasons why individuals may wish to stop debt review. One primary reason is an improvement in financial circumstances. If your income has increased significantly, or your expenses have decreased, you might find that you are able to repay your debts faster than the restructured plan allows. Another common reason is dissatisfaction with the debt review process itself. This could stem from perceived inefficiencies, high fees, or a lack of communication from the debt counsellor. In some cases, individuals may feel that the debt review process is hindering their ability to access new credit, even for essential purchases, and wish to remove this status from their credit profile as soon as possible.

Furthermore, some consumers may realize that their financial situation has improved to the point where they no longer qualify as "over-indebted" according to the NCA. This assessment is crucial as the debt review process is intended for those who genuinely struggle to meet their debt obligations. It's also possible that an individual entered debt review under a misunderstanding or due to external pressures and now wishes to manage their finances independently, albeit responsibly.

Legal Avenues to Stop Debt Review

Stopping debt review in South Africa involves specific legal procedures. The most straightforward way to exit debt review is by successfully completing the repayment of all your debts as per the restructured plan. Once all creditors have been paid in full, the debt counsellor is obligated to inform the credit bureaus to remove the "under debt review" marker from your credit profile. This signifies the successful completion of the process and allows you to start rebuilding your creditworthiness.

Alternatively, if you are able to settle all your outstanding debts before the end of the restructured payment plan, you can approach your debt counsellor. They will assist in facilitating the full settlement and the subsequent clearance of your credit profile. In situations where a debt review order has been granted by the National Credit Tribunal, the process for stopping debt review becomes more formal. You may need to apply to the NCT to rescind or set aside the original order. This typically requires demonstrating that your circumstances have changed significantly, or that there were grounds for the initial order to be considered invalid or no longer applicable.

Applying to the National Credit Tribunal

An application to the National Credit Tribunal (NCT) to stop debt review is a formal legal process. This avenue is generally pursued if a debt review order has been granted by the NCT. You would typically need to submit a formal application to the Tribunal, outlining the reasons why you wish to have the order rescinded. This might include evidence of a substantial and sustainable increase in your income, a significant decrease in your expenses, or proof that you are no longer considered over-indebted.

The NCT will review your application and may require supporting documentation, such as updated financial statements, proof of income, and a detailed explanation of your current financial standing. Credit providers will also be given an opportunity to respond to your application. The Tribunal will then make a decision based on the evidence presented, considering the spirit and intention of the National Credit Act. It's highly advisable to seek legal assistance or guidance from your debt counsellor when undertaking such an application.

The Role of the Debt Counsellor

Your debt counsellor plays a pivotal role in the process of stopping debt review. They are your primary point of contact and will guide you through the necessary steps. If you wish to stop debt review due to improved financial circumstances or the desire to settle your debts early, your debt counsellor will help you assess your financial position, calculate the outstanding balances, and communicate with your credit providers. They will facilitate the process of early settlement and ensure that all necessary documentation is processed to update your credit profile.

If you are experiencing issues with the debt review process, such as dissatisfaction with the service or fees, you should first communicate these concerns with your debt counsellor. If the issues cannot be resolved, you have the right to approach the National Credit Regulator (NCR) for assistance or to seek a new debt counsellor. When you decide to stop debt review, your current debt counsellor is responsible for updating the relevant credit bureaus to reflect the change, whether it's through successful completion, early settlement, or a court order.

Communicating Your Intent to Stop Debt Review

Open and honest communication with your debt counsellor is the first and most crucial step when you decide you want to stop debt review. Inform them of your intentions as soon as possible. They will then be able to advise you on the most appropriate course of action based on your specific situation and the status of your debt review. It is essential to avoid making unilateral

decisions or trying to bypass the established procedures, as this can lead to complications.

Your debt counsellor will explain the implications of stopping debt review prematurely, particularly if your debts are not yet fully settled. They will guide you through the necessary paperwork and processes, ensuring that you understand all the requirements. This includes verifying that you can indeed afford to resume full repayments to your credit providers without falling back into over-indebtedness, and that all administrative steps for exiting the process are correctly followed.

Settling Your Debts and Exiting Debt Review

The most common and desirable way to stop debt review is by successfully settling all your outstanding debts. This means adhering to the restructured payment plan diligently until the very last cent is repaid. Once all accounts are settled, your debt counsellor will issue a clearance certificate. This certificate is vital evidence that you have fulfilled your obligations under debt review.

Upon receiving the clearance certificate, your debt counsellor will submit it to all registered credit bureaus. The credit bureaus will then remove the "under debt review" status from your credit report. This process can take a few weeks to a couple of months to reflect across all bureaus. It is advisable to check your credit report periodically after receiving confirmation from your debt counsellor to ensure the marker has been removed.

Early Settlement Options

If your financial situation improves significantly, you might be able to settle your debts earlier than planned. This is an excellent way to stop debt review and regain full control of your financial future sooner. Your debt counsellor can help you calculate the exact amount required for an early settlement, which may involve paying the outstanding principal amount plus any accrued interest up to the settlement date. Negotiating with credit providers for a settlement amount that is less than the total outstanding debt might also be possible, though this is not guaranteed.

Early settlement not only allows you to exit debt review faster but can also save you money on interest payments over the long term. Once an early settlement is agreed upon and paid, your debt counsellor will facilitate the process of obtaining clearance certificates from each credit provider and subsequently updating your credit profile to reflect that all accounts are settled and the debt review status is removed.

Reclaiming Your Financial Independence

Stopping debt review, particularly after successfully settling your debts, is a significant step towards reclaiming your financial independence. It allows you to manage your finances according to your own budget and priorities, and to rebuild your credit profile positively. Once the "under debt review" marker is removed, lenders will be able to assess your creditworthiness based on your current financial behaviour.

To maintain your financial independence, it's crucial to practice responsible credit management. This involves budgeting effectively, avoiding unnecessary debt, and making timely payments on any new credit you may obtain. Consider seeking financial advice on managing your newfound financial freedom to prevent falling back into similar debt traps. Regularly checking your credit report will also help you monitor your progress and ensure it accurately reflects your financial health.

Frequently Asked Questions About Stopping Debt Review

Q: Can I stop debt review at any time?

A: While you can express your desire to stop debt review at any time, the actual process and feasibility depend on your financial situation and whether a court order has been granted by the National Credit Tribunal. The most common and recommended way to stop debt review is by successfully completing your repayment plan or by settling your debts early.

Q: What happens if I stop debt review before paying off my debts?

A: If you stop debt review before paying off your debts without a formal resolution or court order, your accounts may revert to their original terms, and creditors could resume collection actions. This can negatively impact your credit score and potentially lead to further financial difficulties. It is crucial to follow the correct procedures.

Q: How long does it take to get the "under debt review" status removed from my credit report?

A: After your debts are fully settled and your debt counsellor issues a clearance certificate, it typically takes a few weeks to a couple of months

for the credit bureaus to update your profile and remove the "under debt review" status. It's advisable to check your credit report regularly during this period.

Q: Can I apply for new credit while I am under debt review?

A: Generally, it is difficult to apply for new credit while under debt review, as lenders often see it as a sign of financial distress. However, in certain circumstances, and with the consent of your debt counsellor, you might be able to access specific types of credit, such as a mortgage for a primary residence.

Q: What are the fees associated with stopping debt review?

A: Your debt counsellor is entitled to charge administration and after-care fees. When you decide to stop debt review, whether through completion, early settlement, or a rescission order, your debt counsellor should provide a clear breakdown of any outstanding fees and the process for settling them.

Q: What is the difference between completing debt review and rescinding a debt review order?

A: Completing debt review means you have paid off all your debts according to the restructured plan. Rescinding a debt review order involves applying to the National Credit Tribunal to have a court-issued debt review order set aside, usually because your circumstances have changed significantly and you no longer qualify as over-indebted.

Q: Will stopping debt review immediately improve my credit score?

A: Stopping debt review does not immediately improve your credit score. Your credit score improves over time with responsible financial behaviour. However, once the "under debt review" status is removed and your accounts are reflected as settled, it removes a negative marker and allows positive payment behaviour to influence your score positively.

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People are getting deeper and deeper into debt, no matter how hard they try to get out of it. Questions are then raised: How do we stop these courses of action? How do we change the thinking around family fiscal discipline? Put simply, in *How to Budget for the Family*, we focus on how to empower families to set up better, more realistic budgets, stick to them and celebrate their successes (and learn from their failures!)

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Promissory Estoppel and Reliance - Melbourne FL Attorneys The point of Promissory Estoppel is to ensure credibility in the promises made by parties to stop them from going back on their word. It is a tool used in order to make parties perform as

Defamation and Slander - Arcadier, Biggie & Wood, PLLC Defamation issues are rising due to the increase in social media which make it easy to cause reputational harm. Come talk to a

defamation lawyer / attorney

Attorneys At Law | Arcadier, Biggie & Wood | Lawyers Melbourne, AV-rated law firm with attorney and lawyers with complex litigation experience and legal matters in Melbourne, Brevard, and throughout Florida

Florida Defamation Law Concerning a Public Figure In depth Attorney Memorandum of Law concerning Defamation claims and defenses for a public figure or quasi-public figure under Florida and Federal Law

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Statute of Frauds - Arcadier, Biggie & Wood, PLLC The Statute of Frauds listed in United States Code is adapted by the State of Florida Law. Arcadier, Biggie & Wood, PLLC business lawyers can help you navigate them

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