



FREE ANSWERS E-MAILED IN 3 DAYS OR LESS

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Actual Questions and Answers

4. Q: Apparently the state of Indiana has placed someone else's criminal record on my record and they will not remove it. I have spoken to the public records office, states attorneys' offices, mayor's offices, police departments and so forth. I am told I need an attorney to correct it. Why? Everyone tells me they can't do anything about it. It is very obvious it is not me, the state of Indiana faxed me court papers and the person in question is a black male, I am a white female. We just have similar names and birthdays. Please help.
- A: You have the legal right under the federal fair credit reporting Act to demand a form from every credit bureau that allows you to explain your side of a negative report in your file; I am sure your explanation in this case would be sufficient to stop you from having credit problems in this case of mistaken identity.
5. Q: My wife and I were getting a divorce so I hired an attorney and toward the end of the year he told me that he did not know when the next court date would be and that he would let me know when he got the information. Well he never called, I did call him but he was never at the office and never returned my calls I look up the court minutes and it showed that all attorneys and case workers have been allowed to withdraw from the case and the case was dismissed I thought that meant that we were divorced but upon a recent discovery we learned we have to have a decree of divorce. Well she has been married to somebody else. I told her my discovery and well we both know it's illegal to be married to more than one person. Now me and her are wanting to stay together, what do we need to do to make sure that the court system fixes this problem. Since me and her are still married, wouldn't that make their marriage void? What do I need to do to make sure that it is void?
- A: She needs to get a divorce in her state of residence, something easy to do if she is separated and no children. You and she are still legally married and need to do nothing if you want to be married again and if she can get a divorce quickly; if that is not the case then you should get a lawyer immediately to file and finish your divorce for you. Then she should get a divorce if she remarried, and you can remarry if you want to, or just live together.
6. Q: I am a student at Henry Middle School, and I am researching a law in Denver that states that you may not let your next door neighbor borrow your vacuum cleaner. I was wondering why is that a law and where did it come from?
- A: There is no purpose disclosed in this law and nobody in the Denver City government has any idea why it was passed many years ago. This is a case of a silly law because it prohibits something that does not

hurt anyone and it is unenforceable; there is no similar law anywhere else so it is of little or no interest to national law digests or legal writers. This is the kind of law that can occur in a democratically elected small body (a big one would table and then ignore it) like a city council that wants to appear that it is doing something after a local crime is reported when someone who loaned a vacuum cleaner to a neighbor was robbed or harmed. It is also possible that a councilman in the vacuum cleaner business wanted to improve his sales by being able to tell prospective buyers they could not borrow 1 from a neighbor.

7. Q: Well I know someone who bought a car from a dealership, the dealership said it was a new car and it only had 12 miles on it. A day later the car starts acting up and they called the dealership and told them they wanted to bring the car back, and the dealership told them they could not, so they kept it and two weeks later the car starts running hot, it started to jerk when you drive it, and the dealership said it was a new car but the oil light came on (which they took it to a car shop and they told them that the car had more miles on it than 12 because the car needed an oil change, and a car needs an oil change every so many miles) so they went home looked at the papers and found out the car had 5,345 miles on it they found out later it wasn't such a new car from that, the car kept having problems so they stop payment on the check so the dealership couldn't get the money and they took the car back, now the dealership is telling them that they wrote a bad check and so on I was wondering, could the dealership do anything to them, besides charging them for mileage now, even though they got the car back?

A: The check writer should not worry because the dealer made a false mileage odometer reading in the sale and gave false statements in the sales agreement because even though it is criminal to write a check with the intent to stop payment, the police and prosecutor will see there was no intent at the time the check was written and will leave this for a civil and not criminal dispute.

8. Q: I have a criminal and civil case rolled into one. I cannot get anyone to represent me because it involves two counties. Do you have any suggestions? My husband purchased a semi. We paid by cashiers check. The previous owner signed the title over and we drove the tractor home. A business acquaintance asked to borrow the semi and we said ok not realizing the title was over the visor. We have never seen our truck again. The gentleman's wife that borrowed the truck signed the title as purchaser and sold the truck. I have all of the documents, but because we loaned the truck to them to begin with no one will help us. The police dept told us it was a civil matter, the attorney told us it was criminal and civil and the states attorneys' office just ignored the letter we sent them. Please advice.

A: Whomever borrowed and then sold the truck is guilty of a felony and you should go to the state attorney in the county where he lives and presumably refused to return your truck and swear to an affidavit of what happened so he and/or she will be charged; go in person, this is not a matter for a letter, and don't let lazy government employees say you cannot do it--better to do it in both counties than to let each 1 tell you to do it in the other. The worst a state attorney should do to delay you is to tell you to go and make a police report 1st so he can have a police report and investigation before he acts. Then go hire a good lawyer for a civil lawsuit against the person who illegally and wrongfully sold your truck, and probably against the purchaser of the truck and present titleholder (talk to at least 2 lawyers before you decide who to hire)--you need to retain and pay a retainer to an attorney; this is not a contingency case. It sounds to me like the crimes of theft and fraud was committed and at least 1 state attorney should investigate and prosecute.



9. Q: A swimming pool contractor, contracted to build my pool for \$12,000. We agreed the paint color would be a teal blue. By accident the contractor picked up the wrong color of paint and painted my pool a standard aquamarine blue, customarily used for pools. I have refused to pay the contractor because the color is not what we agreed upon. What legal issue is involved, and what respective rights and obligations does the contractor and myself have?
- A: The issue is how much you can hold back to get the job done properly and to what was agreed in the contract. Most pools cost more than \$12,000 and most contractors take deposits and progress payments before they finish or get to the painting stage. Normally there is a final payment of 10% or 20% at the end of the job which is not given to the contractor until the job is complete, affidavits are furnished as to all materials paid for and workmen paid and any certificate of completion from government obtained. Painting and color is not the main part of a pool job so you cannot hold back all or even 50% of the payment here. I would hold back the final 10% of payment until the pool is repainted the proper agreed color.