

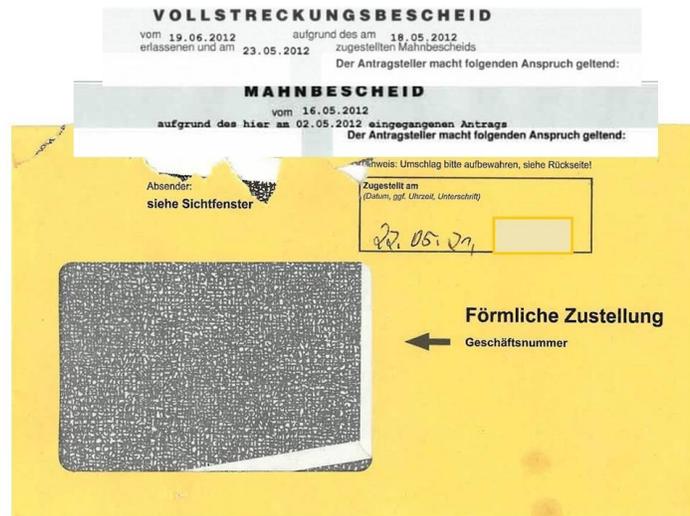


CLIENT SERVICES & POLICY DIVISION Legal Assistance Office



Beware of the Yellow Envelop: Garnishment in Germany

It has happened to some. You place an order and purchase an item through the Internet, or receive a service or medical treatment from a local national physician or medical clinic, and shortly thereafter you receive an invoice requesting payment a few days later, but in the hectic hustle and bustle of everyday life you forget to pay before the deadline. Reminders to pay may or may not reach your mailbox or APO box. Eventually, your case is referred to a local collections agency and you may receive a warning letter demanding payment of the amount owed, plus fees, including attorney's fees. The fees are sometimes greater than the amount owed.



In the event you forget to pay, or somehow the invoice, reminder to pay, or warning letter from a collections agency never reaches you, never ignore the yellow envelop, especially if the document in the yellow envelop is either a **Mahnbescheid** or a **Vollstreckungsbescheid**. Both documents are orders issued by a German court at the request of the creditor, but one is more serious than the other.

A **Mahnbescheid**, just like the **Vollstreckungsbescheid**, is a double-sided, large-format document that is either sent in a yellow envelope with proof of delivery by the German Post Office, or personally served to you by the command or someone within the USAREUR-AF OJA International Law Division. It bears the heading *Mahnbescheid* in the middle of the double-sided page. In addition to the original claim of the creditor, the *Mahnbescheid* will also list associated fees to process, including attorney's fees of the creditor or a commissioned debt collection company. Additionally, other fees will be listed (e.g., application and issuance of the *Mahnbescheid*, and all other costs (admin and late fees). Very often these fees far exceed the amount originally owed.

If you do not resolve the *Mahnbescheid*, your creditor can request a *Vollstreckungsbescheid* from the Court which is the equivalent of an enforcement order. If the *Vollstreckungsbescheid* is not appealed within the statutory period, the *Vollstreckungsbescheid* automatically comes into effect and there is no legal remedy. A *Vollstreckungsbescheid*, just like the *Mahnbescheid*, will list many additional fees separate from the original amount owed.

If you receive a **Yellow Envelope** containing a *Mahnbescheid* or a *Vollstreckungsbescheid*, or are not sure how to react to a warning letter, make an appointment to see a legal assistance attorney by emailing us at: USARMY.WIESBADEN.USAREUR.MBX.OJA-WLC-LEGAL-ASSISTANCE-CALENDAR@MAIL.MIL.