

Practice Pointer: When Should You Send Default and Demand Letters?

“... there are times when a lender will want to start enforcing one or more rights or remedies. In all or almost all jurisdictions in the United States, a lender is required to provide a written notice of default to the borrower and guarantors, and to make a written demand for payment, before exercising any rights or remedies. In many jurisdictions, however, a borrower or a guarantor can waive these requirements in the loan documents, and many loan documents contain such waivers,” writes Cara M. Houck and Steven A. Roach in *Miller Canfield's Resources*.

“This begs the question of whether to send a default and demand letter.”

Read the article.