

INDEX

- Add-on Sales**
 - comparison with rewrites, 172-173, 176-177
 - TIL Act, 174-175
 - comparison with Regulation Z and Unruh Act, 175-176
 - Unruh Act
 - comparison with Regulation Z and Truth in Lending Act, 175-176
 - disclosures, 2-3, 8-11, 17-18, 176
 - inconsistent hybrid provisions, 177-178
- Agriculture**
 - credit factors, 251-252
 - disclosures, 254-255, 258
 - financing, 247-248
 - loan agreement, 251-254
 - transactions, 248-251, 254, 257-258
 - uncertainty, 255-256
- Annual Percentage Rate**
 - in general, 163-165, 221-222
 - awareness of, 195-198
 - comparison with add-on rate under Unruh Act and Rees-Levering Act, 163-165
- Attachment**
 - definition, 57
 - of goods, 57
 - of wages, invalidity of, 57, 76-77
- Attorney**
 - arranger of credit, 261
 - billing procedures, 267
 - extender of credit, 261
- Balloon Payments**
 - Unruh Act, 16-18
- Bank Credit Cards**
 - defining the transaction,
 - forbearance on a debt, 345
 - loan, 341
- National Bank Plans**
 - application of state usury laws, 348
 - federal usury laws, 352
 - regulation of
 - in general, 335
 - usury laws, 335, 341
 - use and growth of, 335
- Bankruptcy**
 - Chapter XIII - Wage Earner Plans**
 - in general, 277-300
 - attorneys role after confirmation of plan, 318-320
 - benefits, 304-305
 - conflicting judicial interpretations, 295-297
 - cost, 320-322
 - debtor's dilemma, 286-287

- debtor's payment, 310
- debtor's plan, 309-310
- federal employees, 311
- filing fees, 308
- hazards, 305-306
- impairment of claims, 280-297
- importance of creditor awareness, 314-315
- initial screening, 306-307
- injunctive power of courts, 283-284, 297-298
- meeting of creditors, 317-318
- notice requirements, 314
- partially secured creditor, 286-287
- petition, 307-309
- proposed changes in secured creditor's role, 297-300
- restrains on future spending, 313
- Sacramento plan, 306-322
- secured creditor, 279-297, 312-313
- unsecured creditor, 311-312
- straight bankruptcy
 - inadequacies, 302-304
- Business Related Credit, 216
- Buyer, *see* Consumer
- CCPA
 - opposition to, 431-432
- Class Action
 - applicability to consumer actions, 39
 - Consumers Legal Remedies Act, 41-42
 - definition, 39
 - in California, 40-42
- Closed End Credit
 - in general, 143-144
 - add-on sales, *see* Add-on Sales
 - disclosure, 167-178, 222-223, 225
 - numerical items, 167-171
 - disclosure statement, 223-224
 - rewrites, *see* Rewrites
- Common Necessarys, 77
- Confession of Judgment Clauses, 231-232
- Consumer
 - abuses in the credit market, 35-36, 123-127
 - prior to Unruh Act, 2-8
 - abuses in the marketplace generally, 35
 - definition, 139-140
- Credit Bureaus
 - Associated Credit Bureaus of America, 404, 406, 409-410
 - need for, 404
 - operation of, 404-407
 - remedies for harms caused by,
 - judicial, 407-410
 - legislative, 410-417

Credit Cards

- apportionment of credit card fraud loss
 - common law, 380-388
 - legislation, 389-393
 - liability-until-notice system, 393-397
 - proposed changes, 397-401
- benefits, 377-380
 - holder, 360
 - issuer, 360
 - merchant, 360-361
- factoring, *see* Factoring
- letters of credit, *see* Letters of Credit
- mechanics
 - comparison to factoring, 371-373
 - comparison to letters of credit, 369-371
- minimization of credit card fraud loss, 398
 - need for improved holder identification systems, 398-401
- obligations
 - holder, 360
 - issuer, 360
 - merchant, 360-361
- types of credit card arrangements
 - three party credit card, 378
 - travel and entertainment credit card, 378
 - two party credit card, 377-378

Credit Cards and Rescission, 237-245

Credit Industry

- desire for state control, 433-435
- evasion of usury laws, 426
- financing of, 429-430

Creditor

- in general, 137-139, 222, 233
- arranger of credit, 137-139
 - attorneys as, 263-264
 - real estate agents as, 217
- definition, 137-139
- extender of credit, 137, 261-262

Default Judgment, 84

Deficiency Judgment

- arguments against, 101-109
- arguments for with rebuttals, 109-115
- common law
 - election of remedies, 92-93
 - freedom of contract, 93
- definition, 91
- demise in consumer transactions
 - consumer goods except motor vehicles, 96
 - motor vehicles, 97
 - residential real property, 96

- in practice
 - hypothetical transactions, 99-101
 - Rees-Levering Act, 97-99
- proposed alternatives
 - abolition, 115, 131
 - regulation of resale procedure of repossessed vehicles, 115-117
 - restriction, 115, 117-121
- statutory regulation
 - California
 - Automobile Sales Act, 95
 - Rees-Levering Act, 95
 - Uniform Commercial Code, 95
 - Uniform Conditional Sales Act, 94
- Delinquency and Collection Charges
 - Unruh Act, 6, 13-14
- Demand Note, 256
- Disclosure
 - double disclosure, problem of, 149-151
 - of interest rates
 - in general, 179-181, 199-202
 - purpose, 179
 - requirements, 199
 - time of disclosure, 199-202
 - Unruh Act, 2-3, 8-11, 17-18
- Disposable Income
 - definition, 72
- Factoring, 364-365
- Fair Credit Reporting Act, 413-419
- False Advertising
 - definition, 45-47
- Farm Credit, *see* Agriculture
- Finance Charge
 - in general, 153-163, 218-221
 - goods and services as, 157-159
 - insurance charge as
 - credit life, 159-161
 - property and liability, 161-162
 - vendor's single interest, 162-163
 - prepaid, 218, 220
 - Rees-Levering Act, 153-156, 157, 159-163
 - Truth in Lending, 153-157, 158-163
 - Unruh Act, 4, 11-12, 20, 153-157, 158-163
- Four Installment Rule
 - Truth in Lending—more than four installment rule, 141-143, 267-269
 - Unruh Act—four or more installment rule, 141-143
- Garnishment
 - definition, 57
 - exemption in California, 77
 - invalidity of pre-judgment, 57, 75-76
 - regulation

- California law, 76
- federal law, 69
- Individual Action
 - practical barriers, 37-38
 - lack of knowledge concerning legal rights, 38
 - lawyers' fees, 37-38
 - loss of working time, 37
 - size of purchase, 37
- Insurance, *see* Finance Charge, insurance charge as
- Interest Rates
 - regulation
 - Bank Credit Card Plans, 335, 341
 - revolving credit, 337-338
 - time price doctrine, 336
 - usury laws, 335
- Judgment
 - repayment of, requirement for disclosure, 269-272
- Letters of Credit, 361-364
- Materialman's Lien, *see* Statutory Liens
- Mechanic's Lien, *see* Statutory liens
- Merchant, 251
- Natural Person, 248-250
- Nonsale Credit, 222, 233
- Notice
 - writ of execution on wages in California, 86-87
- Open End Credit
 - in general, 143-144, 165-166, 222
- Unruh Act
 - comparison with Truth in Lending, 165-166
 - disclosures, 8-11, 165-166
- Penalties Under Regulation Z, 244-245
- Public Action
 - Attorney General's Consumer Fraud Unit, 43-44
 - available remedies
 - civil penalties, 52-53
 - criminal prosecution, 53
 - injunctions, 49-52
 - advantages, 50-51
 - by authority of common law, 48-49, 50
 - by statutory authority, 49-50
 - stipulated injunction, 51-52
 - Consumer Fraud Division of San Diego County, 44-45
- Purpose for Obtaining the Subject of the Transaction
 - agricultural business purpose, 140-141, 144-145
 - business and commercial purpose, 140-141, 144-145
 - non-agricultural business purpose, 140-141, 144-145
 - personal, family, or household purpose, 140
- Pyramiding
 - Unruh Act, 6, 13-14
- Real Property Transactions, 247-248, 252-253

- Rees-Levering Act
 - comparison with Truth in Lending
 - in general, 123-126
 - disclosure requirements, 148-178
 - enforcement, 128
 - scope, 129-147
 - deficiency judgment, 95
- Referral Sales
 - Unruh Act, 27-28
- Refinancing
 - credit card disclosure, 225
 - rescission, 232
- Repossession
 - Unruh Act, 7-8, 14-16, 23-25
- Rescission under Regulation Z
 - in general, 228-229, 252, 256, 258
 - credit cards, 237-245
 - effect, 233-234
 - notification of rights of, 232
 - rescindible transactions, 229-233
 - statute of limitations, lack of, 228-229
 - statutory liens, 230, 235-237, 239
- Retail Installment Contract, *see* Closed End Credit
- Rewrites
 - comparison with add-on sales, 172-173, 176-177
 - Truth in Lending
 - Regulation Z rewrite provision, 176-178
 - as applied to Unruh Act hybrid, 177-178
 - Unruh Act
 - inconsistent hybrid provision, 177-178
- Rule of 78
 - Unruh Act, 12
- Scope of Truth in Lending, Unruh, and Rees-Levering Acts
 - in general, 130-148
 - basic scope elements
 - agricultural business purpose, 140-141, 144-145
 - consumer, 139-140
 - credit, extension of, 137
 - creditor, 137-139
 - finance charge, imposition of, 141-143
 - four installment rule, 141-143
 - personal, family, household purpose, 140
 - Rees-Levering Act, 133-135, 137-144
 - security interest, 143
 - transactions, basic types of, 143-144
 - Truth in Lending, 131-132, 134-136, 137-144
 - Unruh Act, 29-31, 132-133, 134-136, 137-144
 - initial determination, 130
 - statutorily exempted transactions
 - amount financed, limitations on, 145
 - business and commercial purpose, 140-141, 144-145

- non-agricultural business purpose, 140-141, 144-145
- physicians and dentists, services of, 147
- public utilities transactions, 145-146
- real property, sale of, 146-147
- residential housing, sale of, 146-147
- securities and commodities transactions, 145
- Security Interests, 229-230
- Seller, *see* Creditor
- Statutory Liens, 230, 235-237, 239
- Time of Disclosure in Real Estate Sales
 - land sales contracts, 226
 - third party financing, 227
- Time Note, 254
- Truth in Lending
 - applicability, 181
 - comparison with Rees-Levering and Unruh Act
 - in general, 123-126
 - disclosure requirements, 130-178
 - enforcement, 128
 - scope, 130-148
 - consumer credit, 264-267
 - creditor, 263
 - effect upon state law
 - collateral disclosure requirements, 151-152
 - disclosure requirements, in general, 148-152
 - enforcement provisions, 128
 - inconsistent disclosure requirements, 149-152
 - non-disclosure regulatory provisions, 152
 - scope provisions, 131
 - substantially similar disclosure requirements, 151-152
 - impact
 - in general, 202-204
 - with reference to
 - age, 192
 - amount financed, 193
 - education, 192
 - income, 191
 - place financed, 193-194
 - purchasing experience, 193
 - ordinary course of business, 272-274
 - purposes, 179, 189
- Unfair Business Competition
 - definition, 47-48
- Unruh Act
 - in general, 1-33, 123-126
 - abusive practices, prior to, 2-8
 - attorney fees and court costs, 7, 14, 23
 - blank contracts, 3-4, 11, 19-20
 - defenses and claims of the buyer, 5-6, 13- 20-22
 - delinquency and collection charges, 6, 13-14
 - disclosure, 2-3, 8-11, 17-18, 148-178

- finance charges, 4, 11-12, 20
 - rebates of, 4-5, 12
- penalties, 28-29
- referral sales, 27-28
- repossession, 7-8, 14-16, 23-25
- scope of, 29-31, 130-148
- venue, action under, 25-26
- wage attachments, 6-7, 14, 22
- Usury Laws
 - Arkansas example, 423, 426
 - bank credit cards, *see* Bank Credit Cards
 - credit card sales, 336
 - revolving credit, 338
 - time-price doctrine, 336
 - diversity of, 424
 - between states, 425-426
 - economic effects of, 428-430
 - within state [California example], 425
 - federal law
 - constitutional rationale for, 439-442
 - experience with
 - national banks, 437
 - indirect control of interest rates, 438
 - justification for, 436
 - general effects of, 422
 - conflicts of laws, 426
 - discrimination, 425
 - state control
 - inherent state interest, 435
 - justification for state control, 431
 - tradition of, 433
- Venue
 - Unruh Act, 25-26
- Wage Attachments
 - Unruh Act, 6-7, 14, 22
- Wage and Hour Division—U.S. Department of Labor, 70, 74
- Wage Earner Plan, *see* Bankruptcy