Check Before You Demand: A Pre-Suit Debt Checklist (2026)

Confirm the deadline before you send a demand letter or file a collection suit

A collection claim is only enforceable while the statute of limitations is still open. Run these steps before you spend money chasing a debt, or before you respond to a collector chasing you.

STEP 1 - IDENTIFY THE DEBT

[ ] Classify the debt: written contract, oral agreement, or signed promissory note (the deadlines differ).

[ ] Confirm this is contract or note debt, not an open account or credit-card balance, which run on a separate schedule.

[ ] Pin down the date of the first missed payment; in most states the clock starts there.

STEP 2 - FIND YOUR DEADLINE

[ ] Look up your state's written, oral, and note periods in the table.

[ ] Use the SHORTER of the periods that apply as your working deadline.

[ ] Open the linked statute and confirm no recent amendment changed the number (Montana and Ohio both moved recently).

STEP 3 - PROTECT THE CLAIM (CREDITORS)

[ ] Send a demand letter that cites the statute and states the amount and the due date.

[ ] Calendar the real filing deadline and file in small claims or civil court before it passes.

[ ] Do not let the deadline lapse while negotiating; a filed case can still settle.

IF YOU ARE BEING PURSUED (DEBTORS)

[ ] Check whether the deadline has already passed; if so, the debt may be time-barred.

[ ] Raise the expired limitations period as a defense in writing; a court will not apply it for you.

[ ] Do not make a partial payment or sign an acknowledgment on an old debt without advice; it can restart the clock in many states.

INSTRUCTIONS FOR USE

This checklist is general information, not legal advice, and does not decide whether you should pay a time-barred debt. Verify your state's current statute (linked in the online table) before acting. The maintained 50-state table, CSV dataset, and letter templates live at clearlegaltips.com/statute-of-limitations-on-debt-by-state/