

## **complaint**

Ms A has complained that Lowell Portfolio I Ltd is pursuing her for a debt which is not hers.

## **background**

Lowell is pursuing Ms A for a debt which it bought from another company in 2005. I note that Lowell only came under this service's jurisdiction on 6 April 2007, so I can only look at what has happened since this date.

Ms A has said that the debt is not hers, and that it was taken out fraudulently by her ex-husband. She says she only became aware of it when she was contacted by a debt collection agency.

The adjudicator did not recommend that the complaint should be upheld. She was satisfied that Ms A was not being unfairly pursued for the debt. This was because Lowell held her current details, including date of birth and addresses. Further, as some repayments had been made, and the debt formed part of a debt management plan entered into by Ms A and her ex-husband, she felt it probable that the debt was owed by Ms A.

Ms A disagreed, saying that Lowell had not been able to provide her with a copy of the signed loan agreement.

## **my findings**

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

From the evidence, I can see that the debt was included in a debt management plan which Ms A and her husband entered into. If Ms A did not believe the debt was owed by her, I do not think she would have included it in this plan.

I have also seen that a number of repayments were made. Again, I do not think these would have been made if Ms A did not consider herself liable for the debt.

Although I understand that Ms A's ex-husband may also be liable for the debt, and I have sympathy for Ms A's predicament, Lowell is entitled to pursue either, or both, parties.

Further, I accept that it is unfortunate that Lowell cannot produce a signed copy of the loan agreement, but I remain satisfied, on balance, that the debt is owed. I am therefore satisfied that Lowell is not acting unreasonably in requiring it to be repaid.

I am less persuaded by the evidence regarding Ms A's name, address and date of birth details, as I accept it is possible that someone could find these out and use them fraudulently. However, taking into account the rest of the evidence, I am satisfied on balance that Ms A is responsible for the debt.

## **my final decision**

For the reasons given above, it is my final decision not to uphold this complaint. I make no award against Lowell Portfolio I Ltd.

Under the rules of the Financial Ombudsman Service, I am required to ask Ms A to accept or reject my decision before 19 December 2014.

Elspeth Wood  
**ombudsman**