

NOTICE OF BAD CHECK AND DEMAND FOR PAYMENT

TO: _____

DATE: _____

REGARDING:

CHECK NUMBER(S)	DATE(S) ISSUED	AMOUNT(S)	BANK	REASON FOR RETURN (NSF or ACCOUNT CLOSED)

The bank returned the listed check(s) to the undersigned business or person for the reason set forth above. Under Montana law, failure to make good on a returned check within **FIVE (5)** days after written notice of nonpayment is received constitutes evidence that the person who wrote the check committed the criminal offense of “Issuing a Bad Check” that is a violation of Section 45-6-316, MCA. A person convicted of issuing a bad check for \$1,500 or less can be fined up to \$1000 and is subject to imprisonment in the county jail for up to six (6) months. A person convicted of issuing a bad check for more than \$1,500 or who issues bad checks pursuant to a common scheme can be fined up to \$50,000 and is subject to imprisonment in the state prison for up to ten (10) years.

Therefore, you must pay this check within **FIVE (5)** days after you have received this Notice. Payment must be by cash, money order or a cashier’s check in the full amount of the check. Partial payment will not be accepted. **Send payment to address listed at the bottom of this notice.**

If you fail to respond to this Notice the undersigned will turn the check(s) over to the county attorney office and ask it to file criminal charges against you. Your prompt cooperation is required.

Moreover, according to §27-1-717, MCA, the holder of the check may proceed against you in a civil action in the event you fail to pay the face amount of the dishonored checks, together with a reasonable surcharge of not less than \$20.00. If a civil suit is

filed, the holder of the check is entitled to statutory damages of \$100.00 or three times the amount of the check, whichever is greater, though not to exceed the value of the check by more than \$500.00. The holder is also entitled to collect interest at the statutory rate of 10% per annum, court costs and fees.

Final demand is hereby made that you pay the dishonored check by the end of business on _____.

Accordingly, consider this letter as final demand for payment of the amount of the dishonored check(s).

THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION RECEIVED WILL BE USED FOR THAT PURPOSE

NAME AND ADDRESS FOR IMMEDIATE RESPONSE

THIS NOTICE WAS SENT BY

Certified mail, Number _____ return receipt requested on the _____ day of _____, 200__.

AND

By first class mail that was deposited in the United States Mail, First Class Postage Prepaid on the _____ day of _____, 200__.

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