

## Instructions for use of the 30 Day Unpaid Check Notice:

As the rules require evidence of having attempted to give the check writer due notice, the letter must be sent by Certified mail, Return Receipt Requested. Retain a copy of the letter. Do not request address of delivery or by whom received. They are not needed.

The delivery receipt, with a copy of your letter, is sufficient proof of your having complied with the statute, enabling you to sue for damages.

If the certified letter is returned for any reason, e.g. unknown, moved, addressee unknown, or unclaimed, it is still sufficient proof that you have complied with the regulation.

After mailing, the maker of the check has 30 days within which to repay you the amount of the check plus any charges assessed by your bank. Thereafter you are free to take it to court.

Date

contact

maker

street

city

Your check for \_\_\_\_\_ drawn on \_\_\_\_\_

number \_\_\_\_\_ dated \_\_\_\_\_ has been returned unpaid or payment stopped without justification. A copy is enclosed.

In accordance with Section 1719 of the Civil Code of the State of California, which is quoted below, you are given 30 days within which we must receive cash or bank funds in full payment, or you shall be liable for the amount of the check plus penalties as set forth therein.

Very truly,

#### Section 1719- Civil Code of the State of California

Re: Dishonored checks; damages and mailing costs

(2) Notwithstanding any penal sanctions that may apply, any person who passes a check on insufficient funds shall be liable to the payee for damages equal to treble the amount of the check if a written demand for payment is mailed by certified mail to the person who had passed a check on insufficient funds and the written demand informs this person of

- (A) the provisions of this section,
- (B) the amount of the check,
- (C) the amount of the service charge payable to the payee.

The person who had passed a check on insufficient funds shall have 30 days from the date of the written demand to pay the amount of the check, the amount of the service charge payable to the payee, and the costs to mail the written demand for payment. If the person fails to pay the full amount of the check, the service charge payable to the payee, and the costs to mail the written demand within this period, this person shall then be liable for the amount of the check, minus any partial payments made toward the amount of the check or the service charge within 30 days of the written demand, and the damages equal to treble that amount, which shall not be less than one hundred dollars (\$100) nor more than one thousand five hundred dollars (\$1,500). When a person becomes liable for treble damages for a check that is the subject of a written demand, that person shall no longer be liable for any service charge for that check and any service for that check and any costs to mail the written demand.