

McHenry County State's Attorney

Oliver W. Bromke

State's Attorney's Office
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RE: Dishonored Checks
Instructions for Processing NSF or No Account Checks

To Whom It May Concern:

Thank you for inquiring with our office about prosecuting someone for a NSF or No Account check written to you or your business. Please note that there are several qualifications that need to be met before a NSF or No Account Check can be considered for prosecution.

- The check in question must have been presented for payment within fourteen (14) days of the date that it was received.
- North Dakota law requires a Notice of Dishonored Check be sent to the individual who presented the check to you. I've included an example of the form for your review.
- Proof of mailing of a Notice of Dishonored Check is also required by North Dakota law. A Return Receipt from the Post Office or an Affidavit of Mailing signed by the individual who mailed the form are acceptable forms of proof of mailing. You will also find an example of the Affidavit of Mailing enclosed. (Keep in mind redesigns of the Affidavit of Mailing must be substantially similar to the example form.)
- Provide a copy of the Notice of Dishonored Check and Affidavit of Mailing to the check writer. Please note that if the check is drawn on a business account, notice but be served on the check writer not the business.
- If you do not receive restitution with ten (10) days after mailing out the forms, the following items must be provided to the State's Attorney's office for consideration of prosecution: (1) the **original check**; (2) a copy of the **Notice of Dishonored Check**; and (3) **Proof of Mailing**. A Criminal Complaint/Information must be filed within 120 days of the date the check was written.

Above is only a brief explanation of the legal process; there are other qualifications and details taken into account when the State's Attorney's office considers criminal prosecutions. If you have any questions about your particular NSF or No Account check please contact our office at 701-537-5160.

With kindest regards,

/s/ Oliver W. Bromke

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NOTICE OF DISHONORED CHECK

DATE: _____

NAME OF ISSUER: _____

STREET ADDRESS: _____

CITY, STATE, ZIP: _____

You are, according to law, notified that a check dated _____, drawn on the
_____ Bank in the amount of \$ _____ has
been returned unpaid with the notation the payment has been refused because of
ACCOUNT CLOSED or NON-SUFFICIENT FUNDS (circle the appropriate reason).

Within ten (10) days from the receipt of this notice you must pay or tender to
_____ sufficient moneys to pay such instrument in full
and any collection fees or costs not in excess of forty dollars (\$40.00).

Address to send payment: _____

STATE OF NORTH DAKOTA)
)
COUNTY OF MCHENRY)

AFFIDAVIT OF MAILING

I, _____, being first duly sworn, deposes and says
(Person mailing notice)

that on _____, 20____, I served the attached Notice of Dishonor
(Date)

by placing a true and correct copy thereof in an envelope addressed as follows:

and depositing the same, with postage prepaid, in the United States mail at

_____, North Dakota.
(City)

Signature of person mailing Notice

Subscribed and sworn to before me this _____ day of _____, 20____.

(Seal)

Notary Public
McHenry County, North Dakota
My Commission Expires: