

Sample "Courtesy Notice"

Date _____

Dear Check Writer:

You are hereby notified that a check numbered _____ in the face amount of \$ _____, issued by you on _____ drawn upon _____ bank, and payable to _____, has been dishonored. You have 10 days from receipt of this notice to tender payment of the full amount of such check plus a service charge of \$ _____, the total amount due being \$ _____.

Unless this amount is paid in full within the time specified above, we may turn over the dishonored check and all other available information relative to this incident to the District Attorney's Office for potential criminal prosecution review.

Closing,

Your name/address _____

Bad Check Program Information

As a victim of a bad check you may file this report with the Santa Clara County District Attorney, provided there is sufficient information, and that the check meets all eligibility guidelines. The Santa Clara County District Attorney's Office will seek full restitution for victims whenever possible; however, please keep in mind that the Bad Check Restitution Program can make no recovery guarantees. By submitting the check to the program you surrender control of the check to criminal process and forego the opportunity to pursue civil debt collections.

Check writers are encouraged to make payments in full. Should a partial payment be received, the payment will be allocated between the victim and the Bad Check Program. "Restitution" refers to the face value of all checks listed on this report along with all "stated" bank charges assessed by your bank.

A check will be deemed ineligible and returned to you to pursue a civil remedy, if a filed check is later determined to be:

- A stop payment check where the issuer acted in good faith and with reasonable cause in stopping payment,
- A check issued by someone not competent or of legal age,
- A check dishonored due to bank error or failure to notify the check writer of bank adjustment of a check,
- A check issued to pay an obligation arising from an illegal transaction.

What to do after my crime report is filed with the Program

- Please **do not** accept direct payments from check writers. Should the check writer contact you to make payment, refer them to the Check Writer Hotline at (800) 931-9720.
- You may contact Merchant Care for case updates at (877) 520-6137 or santaclaraca@checkprogram.com at anytime.
- Please allow a minimum of 90 days to pursue restitution.
- If the check writer does not comply with the Program, the case may be reviewed for possible criminal prosecution.
- If we are unable to recover restitution and/or the check is not "eligible" for prosecution, you may request the check(s) be returned to pursue a civil

Filing Instructions

1. Fill out Report Completely.
2. Attach checks and all supporting documents such as CERTIFIED MAIL RETURN RECEIPT OR UNDELIVERED LETTER, COPY OF "COURTESY NOTICE," "RETURN ITEM" NOTICE FROM THE BANK (WITH FEES).
3. Mail Bad Check Crime Report and all other correspondence to:
Santa Clara County Bad Check Restitution Program
P.O. Box 26370, San Jose, CA 95159-6370
4. Once a report has been filed: ALL restitution payments must be coordinated by the District Attorney's Office. Should the check writer contact you to make payment, direct them to the Bad Check Restitution Program at (877) 520-6137.

DO NOT ACCEPT PAYMENT DIRECTLY FROM CHECKWRITER.