

NOTICE OF BAD CHECK
(Civil Code section 1719)

DATE: _____

SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

TO: _____
(Person who wrote the bad check)

_____ is the payee of the check you wrote on ____
(Person to whom the bad check was written, called the "Payee")

_____ for \$ _____. The check number was _____
(Amount of check)

_____, and it was drawn on account number _____ at *(Name of Bank where account is held)* _____.

The check was not paid because you did not have sufficient funds in your account
 you stopped payment

FOR INSUFFICIENT FUNDS:

Pursuant to California Civil Code section 1719(a) you are liable for full amount of the check plus a service charge of \$ _____. *(The service charge cannot exceed \$25.00 for the first bounced check and \$35.00 for each subsequent bounced check.)*

You shall also be liable for damages equal to three times the amount of the check, *(which shall be at least \$100, but not more than \$1,500)*, if you fail to pay within thirty (30) days from the date this notice is mailed the amount of the check in cash, plus the amount of the service charge listed above, together with the cost of mailing this notice in the amount of \$ _____.

FOR STOP-PAYMENT:

You may have a good faith dispute as to whether you owe the full amount. If you do not have a good faith dispute with the person to whom you wrote the check (the "payee"), and you fail to pay the payee the full amount of the check in cash, a service charge of an amount not to exceed twenty-five dollars (\$25.00) for the first check passed on insufficient funds and an amount not to exceed thirty-five dollars (\$35.00) for each subsequent check passed on insufficient funds, and the costs to mail this notice within 30 days after this notice was mailed, you could be sued and held responsible to pay at least both of the following:

- (1) The amount of the check.
- (2) Damages of at least one hundred dollars (\$100) or, if higher, three times

the amount of the check up to one thousand five hundred dollars (\$1,500).

If the court determines that you do have a good faith dispute with the payee, you will not have to pay the service charge, treble damages or mailing cost. If you stopped payment because you have a good faith dispute with the payee, you should try to work out your dispute with the payee. You should contact the payee at:

(Name of payee)

(Street address of payee)

(Telephone number of payee)

You may wish to contact a lawyer to discuss your legal rights and responsibilities.

(Signature of person sending this notice)

(Print or type name of person sending this notice)