

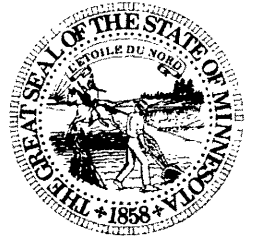


STEVENS COUNTY ATTORNEY

AARON K. JORDAN
STEVENS COUNTY ATTORNEY

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ASSISTANT COUNTY ATTORNEY

PHONE: 320-208-6590
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Dear Recipient of Bad Check:

Before the County Attorney's Office can prosecute on a bad check, the following things must happen: first, upon receiving a bad check, a Notice of Dishonor must be sent to the person who issued the check, either at his or her actual address or at the address printed on the check. These can be sent certified mail, return receipt requested, or you may send the documents by first class mail, in which case you must sign an Affidavit of Service by Mailing before a Notary Public. Copies must be retained for the County Attorney, along with the return receipt from the certified letter or the affidavit, whichever is applicable, and you need to give us the original check. Finally, the County Attorney's questionnaire must be filled out.

Enclosed please find a single set of the above mentioned documents. Please copy these, as necessary, for future use.

Service charges may be recovered by victims in some cases. If you have otherwise complied with the law regarding the posting of notice, etc., about service charges on bad checks, fill in the required information in response to question #16 on the questionnaire. **DO NOT INCLUDE A SERVICE CHARGE ON THE NOTICE OF DISHONOR.** Our office will request the judge to order restitution, in the event of a conviction, for the amount of the check plus service charge.

If you received a check over \$250.00, and it is not paid after sending the notice, we will turn it over to law enforcement for further investigation.

Once our office has received the properly processed documents along with the dishonored check, we will be able to prepare a criminal Complaint if we find probable cause to charge. You will then need to come to our office to sign the Complaint.

Please note that it is our policy that we will not accept for prosecution matters involving bad checks unless you can provide us either with the **full name and date of birth or the driver's license number of the presenter of the check.**

Sincerely,

Aaron K. Jordan
Stevens County Attorney

AKJ/jw/encls.

NOTICE OF DISHONOR

TO: _____

_____ (Date)

This letter is to inform you that we have received a check in the amount of \$ _____, written by you on the _____ day of _____, 20____, drawn on _____, which check has been returned marked _____.

Minnesota law provides that you are to be given an opportunity to pay the check within five (5) business days of mailing of this letter. Failure to do so may result in you being charged with a misdemeanor under Minnesota Statutes §609.535, punishable by a fine of up to \$1,000 and/or imprisonment of up to 90 days, if the face amount of the check(s) is \$250.00 or less. If the face amount of the check(s) is more than \$250.00 but not more than \$500.00, you may be charged with a gross misdemeanor, punishable by a fine of up to \$3,000.00 and/or imprisonment of up to one year. If the face amount of the check(s) is more than \$500.00, you may be charged with a felony, punishable by a fine of up to \$10,000.00 and/or imprisonment of up to five years.

You may remit cash, certified check, cashier's check or money order to us within the 5-business-day period ending _____. If you fail to pay, the bank will be authorized to release information relating to your account to us, to law enforcement, and/or to the prosecuting authority.

The only possible way to avoid criminal prosecution is to remit the money within the 5-business-day period. Payment after the 5-business-day period may not cause a dismissal of the criminal complaint.

Sincerely,

AFFIDAVIT OF SERVICE BY MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

_____, being first duly sworn, deposes and says that
on _____, 20___, he/she served the attached NOTICE OF NONPAYMENT
OR DISHONOR upon _____, by placing a true and correct
copy thereof in an envelope addressed as follows:

(which is the address printed on the check) and depositing the same, with postage prepaid, in the
United States mail at _____, Minnesota.

Sworn to and subscribed before me
this ___ day of _____, 20___.

Notary Public

Before the City/County Attorney will issue a Complaint for a worthless check charge, the following questions must be answered:

ANSWER EVERY QUESTION:

1. Who in your employ took the check?
2. Was the check written to pay a past debt?
 - a. If so, what debt?
3. Was the party who signed the check the same person who presented the check to you?
4. When was the check written?
5. Is the address on the check (if there is one) the best known current address of the issuer of the check?
 - a. If not, please indicate the issuer's present address:
6. Was the check written in the City of Morris?
 - a. If not, where was it written?
7. Was the check written to cover a prior bad check?
 - a. If so, what check?
8. Has the issuer of the check made any agreement to make the check good and/or made partial restitution to you? If yes, please detail that agreement and/or restitution.
9. Has the check been sent to collections? If yes, please detail the collections efforts.
10. Were you or your employee told the check was no good at the time it was issued?
11. Was the check post-dated?
12. Were you or your employee asked to hold the check before depositing it?
13. Has any dispute over the quality of the goods or services furnished or performed by yourself, your company or employee arisen in connection with the transaction for which the check was written? If yes, please explain.
14. When was the check first deposited for payment?
15. Has the check, or any part of the check been paid?
16. In general terms, what was the check issued for? (E.g., payment of groceries, payment of gasoline, for professional services rendered, to pay a bill for goods or services previously rendered; also indicate if change was received in addition to the service or merchandise, if you know.)
17. Do you post notice of a service charge on returned checks? If so, what is the charge?

I understand this is a criminal matter and that upon my Complaint the prosecutor will institute a criminal proceeding against the maker of the check. I also understand that once a criminal proceeding has been instituted that the prosecutor will not dismiss the charge merely because the check is paid, or because I wish to drop the charges. I agree to notify the prosecutor if I receive any payments on the check. I agree to appear, or release my employee to appear (as the case may be), as a witness for the prosecution should a trial become necessary. I also certify that the answers I have given to the foregoing questions are true and correct to the best of my recollection and knowledge.

By signing this document on the line provided below, you take a step that may result in serious legal consequences. PLEASE READ THE FOLLOWING CAREFULLY!

MINNESOTA LAW PROVIDES:

“Whoever conspires with another to cause a third person to be arrested or prosecuted on a criminal charge knowing the charge to be false is guilty of a misdemeanor.”

MINNESOTA LAW PROVIDES:

“Malicious use of process will subject the Complainant and the prosecuting authority to civil liability for false arrest.”

MINNESOTA LAW PROVIDES:

“Issuing a criminal complaint to collect an NSF, ISF, NO ACCOUNT or ACCOUNT CLOSED check is malicious use of process.”

MINNESOTA LAW PROVIDES:

“The Judge need not order restitution in the event the Defendant is found, or pleads, guilty.”

HAVING READ THE FOREGOING, I HEREBY REQUEST THAT THE AUTHORITY OF PROPER JURISDICTION COMMENCE CRIMINAL PROSECUTION OF _____ FOR PRESENTING A (NSF) (ISF) (NO ACCOUNT) (ACCOUNT CLOSED) CHECK TO

_____ AT _____ FOR
(Employee) (Place of Business)
_____ ON _____
(Merchandise, Cash or Current Service) (Date)

Telephone: _____

Once the City/County Attorney determines that a Complaint should be issued, he will prepare one and notify you when it is ready for you to come and sign. The Complaint will then be submitted to the Court.