



Maricopa County Attorney

BILL MONTGOMERY

Demand for Payment / Notice Letter Guidelines

NOTE: there are two different types of Demand for Payment Forms:

- A) **Form A** is for checks **\$4999.99 or less**; a Class 1 Misdemeanor or
- B) **Form B** is for checks **\$5000.00 or more**; a Class 6 Felony

Prepare the Demand for Payment Notice and have it served or sent to the person who wrote or passed the check. **DO NOT** change the language in the Demand for Payment Notice because it is written with language required by law.

The Demand for Payment Notice may be actual notice or notice in writing that is sent by registered or certified mail, return receipt requested, or by regular mail that is supported by an Affidavit of Service by mailing. Written notice shall be addressed to the issuer at the issuer's address shown on any of the following:

- 1) The Check
- 2) The records of the bank or other drawee
- 3) The records of the person to whom the check is issued or passed

You may select the method of delivery, but it is required that you attempt notice.

If the check is **\$4999.99 or less**, and the Demand for Payment Notice is hand delivered, wait **12** calendar days before submitting the check to the Bad Check program. If sent by regular mail, the law adds 5 days for mailing; so you must wait **17** days from the date of mailing before submitting the check to the Bad Check Program.

If the check is **\$5000.00 or more**, mail certified or hand deliver the Demand for Payment Notice, you must wait **60** calendar days before submitting the check to the Bad Check Program. Issuing a bad check in the amount of 5000.00 or more is a Class 6 Felony.

You are entitled to demand the full amount of the check, including accrued interest at the rate of 12% per year and any other applicable fees.

If you mail the Demand for Payment Notice, you should print or type "Address Correction Requested" on the envelope in the event the addressee has moved.

If an individual offers to pay you for their bad checks within the statutory **12, 17 or 60** day period following receipt of the Demand for Payment Notice, accept only cash, money orders or cashier's checks. You may also collect a fee for reasonable costs.

**DO NOT AT ANY TIME ACCEPT PARTIAL PAYMENT FROM THE CHECK WRITER.
DO NOT RETURN THE BAD CHECK TO THE CHECK WRITER UNTIL
YOU HAVE RECEIVED PAYMENT IN FULL.**