

FIVE-DAY NOTICE

DATE: _____

Dear _____,

Pursuant to Section 45-6-316 of the Montana Code Annotated, you are hereby notified that the undersigned holds a check in the amount of \$ _____ drawn on the _____ (bank), payable to _____, dated _____, and signed by _____.

This check has not been paid by the financial institution on which it was drawn and has been returned with the notation _____.

Section 45-6-316 of the Montana Code Annotated provides:

1. A person commits the offense of issuing a bad check when the person issues or delivers a check or other order upon a real or fictitious depository for the payment of money knowing that it will not be paid by the depository.
2. If the offender has an account with the depository, failure to make good the check or other order within 5 days after written notice of non payment has been received by the issuer is prima facie evidence that the offender knew that it would not be paid by the depository.
3. A person convicted of issuing a bad check shall be fined not to exceed \$1,500 or be imprisoned in the county jail for any term not to exceed 6 months or both. If the offender has engaged in issuing back checks that are part of a common scheme or if the value of any property, labor, or services obtained or attempted to be obtained exceeds \$1,500, the offender shall be fined not to exceed \$50,000 or be imprisoned in the state prison for any term not to exceed 10 years or both.

As provided in Section 45-6-316 of the Montana Code Annotated, you are hereby given five (5) days from the receipt of this letter in which to make this check good. If you fail to do so, the matter will be turned over to the Beaverhead County Attorney's Office for prosecution.

Please immediately contact:

(Name of Individual or Business)

(Address)

(Phone Number)