

The Carver County Attorney's Office prosecutes worthless checks under the following Minnesota Statute:

MINNESOTA STATUTE 609.535

1. The check must have been passed in Carver County and must be for \$50.00 or more.
This statute **does not cover**:

- Post-dated checks (checks with a date later than the date the check is cashed; the check is accepted knowing there are insufficient funds in the bank at the time);
- Checks written for cash;
- Rent checks;
- Payments on account or any situation where credit is given (these checks must go to Conciliation Court).

In addition, this office will not prosecute:

- Third party checks (checks written by one person to another person and cashed by the second party). Be advised that you accept third party checks at your own risk!
- Checks that are more than three (3) months old.

2. Before we can prosecute a worthless check we require the following:

- The person accepting the check must sign or initial the check.
- The check must be signed in the clerk's presence.
- The Driver's License Number (or Minnesota ID number) of the person cashing the check must be written on the check by the clerk accepting the check.
- The check **MUST** have the full name (first, middle, last) and date of birth of the person cashing the check on it **OR** the clerk must write it on the check. (This is especially important when the check is a corporate or business check; if so, you **MUST** also note the capacity in which the person is signing the check, i.e. president, treasurer, agent, partner, owner, etc.)

3. Once you have received a worthless check for which all of the above-requirements are met, you must send the person who issued the check a copy of the Notice of Demand for

Payment. This Notice should be sent by certified, return receipt mail. You must make a copy of the Notice you send. The Notice demands payment within five (5) business days.

4. A week or two after you mail the certified Notice, the Post Office will send you either the green card with the date the Notice was picked up or delivered, or the entire letter back with a stamp on the front stating that the Notice was Unclaimed. Do not open the unclaimed letter, as we need it intact for evidence.

5. If payment has not been made within the time period set forth in the Notice of Demand, you should contact the Chaska Police Department (952-448-4200) or the Carver County Sheriff's Office (952-361-1231) and provide them with the following:

- Your contact information;
- The original check;
- A copy of the Notice of Demand for Payment that was sent; and
- The green card or unclaimed letter you received from the Post Office.

6. Please document, in writing, any communication which you have with the Defendant, i.e. phone calls or personal contact, the dates of the calls or personal contact, and a summary of what was said by both parties and provide copies of that documentation to our office as well.

If you feel you have a possible criminal theft by check, forged check, stolen check, or altered check, please report it to the Chaska Police Department or the Carver County Sheriff's Office (depending on where the check was given) for further investigation. Contact information for the Carver County Sheriff's Office and the Chaska Police Department is as follows:

Carver County Sheriff's Office
Phone number: 952-361-1231

Chaska Police Department
Phone Number: 952-448-4200

CARVER COUNTY ATTORNEY
MARK METZ