

# Sample Demand Letter

Victims of bad checks are required to make at least one attempt to notify a check writer to demand payment of a check that is returned because of Insufficient Funds. **This must be done by mail and it should be done by Certified Letter so that the check writer's receipt of the letter can be proven in court. The check writer must then be given ten (10) days to respond to the letter.** If, after that time, the matter has not been resolved, the check can be referred to the Check Enforcement Program. Checks marked Account Closed, No Account or Refer to Maker can be referred to the program without notifying the check writer.

The sample demand letter below is suitable to send the check writer. The language of the letter conforms to the requirements of the Attorney General's Office.

**Note: Victims of worthless checks must not make any threats of prosecution - written or oral - to enforce or enhance the collection or honoring of the check.**

Be sure to date the letter.

You can vary this text, but the text of a demand letter should substantially conform to this wording.

You may require your usual, posted fee amount. However, when you submit the check to the Check Enforcement Program we enforce a fee to compensate you for any bank charges your incur because of the bad check.

Keep a copy of the letter for your files.

If it is returned as undeliverable, you should enclose the undelivered letter when you submit the check to the Check Enforcement Program.

## Calling the check writer:

In the event you contact the check writer by phone, you should give essentially the same information as shown in this sample letter.

Of course you are free to discuss the matter with the check writer, but remember to avoid threats of prosecution.

(Company letterhead)

Check writer \_\_\_\_\_ Date \_\_\_\_\_  
Address \_\_\_\_\_  
City, State Zip \_\_\_\_\_

Re: Notice of Dishonored Check

You are hereby notified that a check, number \_\_\_\_\_, issued by you on *(date of check)*, drawn upon *(name of bank)*, and payable to *(your business)*, has been dishonored.

You have ten days from the date of this notice to tender payment of the full amount of the check plus a fee of \$ \_\_\_\_\_ to the undersigned at:

\_\_\_\_\_.

You are further notified that in the event the above amount is timely paid in full, you will not be subject to legal proceedings, civil or criminal.

Sincerely,

(Signed)

DE\_Del Guide 0203

## FOR MORE INFORMATION

If you have questions about the Program or any of the bad checks you have referred, call us toll free at **1-888-802-6726** or visit the Check Enforcement Program website for more information or to download forms: **hotchecks.net/Delaware**

**Attorney General's Check Enforcement Program**

P.O. Box 2066 • Wilmington, DE 19899