

MONONA POLICE DEPARTMENT

'Worthless Check Report'

Prior to filling out this form please answer the following questions for NSF checks only:

- Was the check for \$100 or more? Y ___ N ___
- Was WI Photo I.D. or WI Photo Drivers License taken for I. D. or is the passer known to the victim/business? Y ___ N ___
- Is the check drawn on a Wisconsin State Bank or does the account holder have a Wisconsin address? Y ___ N ___
- Was the check cashed less than 60 days before this report? Y ___ N ___

If the answer to any of the above questions is NO **STOP**, this is *not* a prosecutable case and must be pursued civilly or through collections. You may use a private agency that specializes in bad check collections or you may file a Small Claims action. See the end of this notice for information. Two party checks or post dated checks or checks held at the writer's request cannot be prosecuted.

COMPLAINANT:

Victim/Business: _____
Address _____ Birth Date (if person) _____
Phone # _____ Contact Person (if not listed above) _____

Person Receiving Check: _____
Date of Birth _____
Address _____ Phone _____

Identification: The person passing the check **must** be identified in one of two ways for prosecution purposes --- (1) Wisconsin Photo Drives License _____
Check One Wisconsin Photo Identification Card _____
(2) Personally Identify Individual _____

Bad Check Information:

Name on Check _____
Address on Check _____
Phone # _____ Other identification on Check _____

Note: The check **must** have a **Wisconsin address** for the holder of the account and be drawn on a Wisconsin **Financial Institution**

Person Presenting Check:

Description --- Gender _____ Race _____ Height _____ Weight _____ Color Hair _____

Color Eyes _____ Other identifying scars, marks or tattoo's _____

Vehicle license and or description (if available) _____

DOCUMENT:

Name on Account _____

Address _____

Financial Institution _____

Check # _____ Account # _____ Amount of Check _____

Date on Check _____

Note: Original checks ***MUST*** be submitted at the time the complaint is made.

Check Returned NSF _____ Account Closed _____ Forgery _____ No Account _____

What did the writer get in return _____

For NSF Check only

State law **requires** that a 'certified' letter be sent to the last known address demanding payment in full in the next 5 days, prior to prosecution.

Letter Attached _____ Return Receipt Attached _____

The following check types **cannot** be prosecuted under current Wisconsin State Law:

Post Dated Checks

Third Party Checks

Checks held at writers request

Checks for payment of past consideration (credit extended)

*** Under Wisconsin State Law all check(s) totaling **less than \$2,500.00** within a 10 day period are considered as 'misdemeanors' for prosecution purposes.

FILING A SMALL CLAIMS ACTION: FEE \$70.00

A. Small Claims actions can be filed for: **Amounts due under \$5,000.00**

1. Money
2. The return of property (called "Replevin")
3. Eviction of tenants
4. Arbitration confirmation etc.
5. Garnishment

YOU ARE NOT REQUIRED TO HAVE A LAWYER.

A. Where to file.

1. If your case involves a consumer transaction, you can file in the county:

a. Where the customer lives, or b. Where the purchase was made, or c. Where the collateral is located.

2. For other kinds of cases, you file in the county:

a. Where the claim arose, or b. Where the property is located, or c. Where the defendant lives or does substantial business.

B. The Summons and Complaint.

You can get the necessary Summons and Complaint forms in the Clerk of Courts Office, Room GR-10, City-County Building, Madison, Wisconsin 53703, telephone: (608) 266-4311. You will need to complete the form and file the original and provide enough copies for service.

COURT STAFF CANNOT GIVE LEGAL ADVICE.

If you are indigent (too poor), a judge may waive the filing fees and costs of serving your papers, otherwise, you must pay these fees and costs.

C. Filing the Forms.

The Small Claims forms are basically self-explanatory. If you need help, the staff can answer simple questions for you about filling them out.

D. Serving the Summons and Complaint on Defendant(s).

The papers can be sent by mail, if the defendant's home address is inside Dane County; otherwise, the papers must be delivered by the Sheriff or a process server. Defendants, who live outside of Wisconsin can also be served with Small Claims papers in their home state

If you cannot serve the papers on defendant(s) by mail, Sheriff or process server, you can publish a form of summons in a newspaper which is likely to be read by the defendant(s).

Date _____

Dear _____

This letter is sent to comply with the legal requirement that notice be made to the writer of a worthless check. Your check # _____ issued on _____ in the amount of \$ _____ was returned to us unpaid by your bank/financial institution _____.

We request that you make full payment to us for this check within five (5) days, or you will be in violation of the City of Monona Ordinance 11-1-1 which adopts Wisconsin State Statute 943.24.

City of Monona Ordinance 11-1-1 adopting State Statute 943.24.

(1) Whoever issues any check or other order for the payment of money less than \$2,500 which, at the time of issuance, he or she intends shall not be paid is guilty of a Class A Misdemeanor (for which the penalty is a fine not to exceed \$10,000 or imprisonment not to exceed 9 months, or both)

(2) Any of the following is prima facie evidence that the person at the time he or she issued the check or other order for the payment of money, intended that it should not be paid:

(a) Proof that, at the time of issuance, the person did not have an account with the drawer;

(b) Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawer and that the person failed within 5 days after receiving notice of nonpayment or dishonor to pay the check or other order or

(c) Proof that, when presentation was made within a reasonable time, the person did not have sufficient funds or credit with the drawer and the person failed within 5 days after receiving notice of nonpayment or dishonor to pay the check or other order.

(3) This section does not apply to a postdated check or to a check given for past consideration, except a payroll check.

If full payment is not received within five (5) days, this matter can be turned over to the Monona Police Department for investigation and prosecution.

Sincerely,