



Office of the Prosecuting Attorney
33rd Judicial Circuit
Noble County, Indiana

James B. Mowery, Prosecuting Attorney

BAD CHECK CRIME REPORT

STEP 1 – CONFIRM ELIGIBILITY

The following types of checks are NOT eligible for the program:

- *Two-party checks
- *Partially repaid checks
- *Fraudulent or stamped lost/stolen/forged
- *Payroll or credit card checks
- *Post/predated or altered checks
- *Checks you agreed to hold before depositing
- *Checks passed outside of Noble County
- *Checks which are repayment of loan or civil contract agreement

STEP 2 – VICTIM INFORMATION

Victim/Merchant Name: _____
 Contact Name: _____ Title: _____
 Contact Information (Required): Email: _____ Phone #: _____
 Address: _____ City: _____ State: ____ Zip: _____

Indiana law allows you to add protest and service fees up to \$27.50 or 5% of the face value of the check not to exceed \$250.00.

STEP 3 – CHECK WRITER INFORMATION

Check Writer's Name: _____
 Address: _____ City: _____ State: ____ Zip: _____
 Phone # _____ SSN: _____ DOB: _____ OLN: _____
 (Driver's License No.)

A "Statutory Notice" must be sent to recover the bad check(s) in question to the check writer via US Certified Mail including return receipt. IF no attempt has been made, the check is not eligible for prosecution. (See sample "Statutory Notice" below.)

STEP 4 – CHECK INFORMATION

Check No.	Date Passed	Amount	Name of person accepting Check	Can a person ID Check Writer	
				Yes	No
_____	_____	_____	_____	____	____
_____	_____	_____	_____	____	____
_____	_____	_____	_____	____	____

Address where check was accepted (if different than above in Step 2): _____
 City: _____ State: ____ Zip: _____

STEP 5 – VICTIM VERIFICATION

Sign and Date:

- If I accept direct payment from the check writer after filing this report, I will inform the Noble County Prosecutor's Office within 24 hours.
- I understand that the check writer has the option to dispute this claim in writing with the Noble County Prosecutor's Office.
- If this crime report is not completely filled out it may prevent or delay this case from moving forward for prosecution and review.
- I attest that I have sent statutory notice to the check writer via certified mail including return receipt and after 10 days it remains unpaid.
- I have reviewed the filing instructions. I hereby affirm and attest under penalty of perjury that all information provided on this crime report is true to the best of my knowledge.

X _____
 Signature of Person Filing (Required) Print Name of Person Filing (Required) Date Filed (Required)

SAMPLE "STATUTORY NOTICE"

Date:

Dear Check Writer:

You are hereby notified that check numbered ____ in the face amount of \$ _____ issued by you on _____ drawn upon _____ Bank/Credit Union, and payable to _____, has been dishonored. Pursuant to Indiana law you have 10 days from receipt of this notice to tender payment of the full amount of the check, plus a service charge which may not exceed the greater of \$27.50 or 5% (not more than \$250.00) of the amount due.

Unless this amount is paid in full within the time specified above, we may turn over the dishonored check and all other available information relative to this incident to the Noble County Prosecuting Attorney for potential criminal prosecution.

Sincerely,

Victim/Merchant
Address

BAD CHECK VICTIM INFORMATION

As a victim of a bad check, you may file this report with the Noble County Prosecuting Attorney, provided there is sufficient information and that the check meets all eligibility guidelines. The Noble County Prosecuting Attorney's Office will seek full restitution for victims whenever possible; however, please keep in mind that the Noble County Prosecutor's Office can make no recovery guarantees. By submitting the check to the Noble County Prosecuting Attorney, you surrender control of the check to criminal process and forego the opportunity to pursue civil debt collections at that time.

Check writers are encouraged to make payments in full. Should a partial payment be received, the payment will be allocated to the victim. "Restitution" refers to the face value of the all checks listed on this report.

A check will be determined NOT eligible and returned to you to pursue a civil remedy, if a filed check is later determined to be:

- A stop payment check where the issuer acted in good faith and with reasonable cause in stopping payment.
- A check issued by someone not competent or of legal age.
- A check dishonored due to bank error or failure to notify the check writer of bank adjustment of a check.
- A check issued to pay an obligation arising from an illegal transaction.

WHAT TO DO AFTER MY BAD CHECK CRIME REPORT IS FILED WITH THE NOBLE COUNTY PROSECUTING ATTORNEY

- **IF YOU ACCEPT PAYMENT DIRECTLY FROM CHECK WRITER AFTER SUBMITTING THE "BAD CHECK CRIME REPORT" YOU MUST NOTIFY THE PROSECUTOR'S OFFICE WITHIN 24 HOURS.**
- You may contact the Noble County Prosecutor's Office for case updates.
- Please allow a minimum of 90 days to pursue restitution.
- If the check writer does not comply, the case may be reviewed for possible criminal prosecution.
- If we are unable to recover restitution and/or the check is not "eligible" for prosecution, you will be notified so you may pursue civil remedy.

FILING INSTRUCTIONS

1. Fill out the "Bad Check Crime Report" completely and return to the Noble County Prosecutor's Office either by US Mail or Email to badchecks@nobleco.us.
2. Attach copies of all checks (including the front and back of the checks) and all supporting documents including the **CERTIFIED MAIL RETURN RECEIPT OR UNDELIVERED LETTER, COPY OF "STATUTORY NOTICE", ETC.**
3. **Be sure to send all of the above either by US Mail or Email as mentioned above.**
4. Once a case has been filed, the Noble County Prosecuting Attorney's Office must be informed of ALL restitution payments.
5. **IF YOU ACCEPT PAYMENT DIRECTLY FROM CHECK WRITER AFTER SUBMITTING THE "BAD CHECK CRIME REPORT" YOU MUST NOTIFY THE PROSECUTOR'S OFFICE WITHIN 24 HOURS.**

Criminal Division: 260-636-2193

109 W. Hazel Street

Albion, IN 46701
www.nobleprosecutor.com

Child Support Division: 260-636-2494