

NOTICE - - DEMAND FOR PAYMENT OF DISHONORED CHECK

To: _____ Date: _____

You are hereby notified that a check drawn by you in the sum of \$_____ dated _____ drawn on _____ Bank, and payable to _____ has been returned by the bank unpaid with the statement that payment was refused because of _____.

For your information, a portion of the Iowa law concerning checks is set forth below. Demand is hereby made upon you for the immediate payment of the above mentioned check.

HOLDER

| | | |
|----------------|----------------|-----------|
| Name: _____ | Check | \$ |
| Address: _____ | Check Expense | \$ |
| City: _____ | Sheriff's Exp. | \$PENDING |
| | Bank Charge: | \$ |

TOTAL: \$ PLUS SHERIFF FEES

CRIMINAL CODE OF IOWA, Chapter 714, Theft

714.1 Theft Defined. A person commits theft when the person does any of the follows:

(6) Makes, utters, draws, delivers or gives any check, share draft, draft, or written order on any bank, credit union, person, or corporation, and obtains property, the use of property, including rental property, or service in exchange for such instrument, if the person knows that such check, share draft, draft, or written order will not be paid when presented.

Whenever the draw of such instrument has refused payment because of insufficient funds, and the maker has not paid the holder of the instrument the amount due thereon within ten days of the maker's receipt of notice from the holder that payment has been refused by the drawee, the court or jury may infer from such facts that the maker knew that the instrument would not be paid on presentation. Notice of refusal of payment shall be by certified mail, or by personal service in the manner prescribed for serving original notices.

Whenever the draw of such instrument has refused payment because the maker has no account with the drawee, the court or jury may infer from such fact that the maker knew that the instrument would not be paid on presentation.

714.2 Degrees of Theft

- (1) The theft of property exceeding ten thousand dollars in value . . . is theft in the first degree, . . . Theft in the first degree is a class "C" felony.
- (2) The theft of property exceeding one thousand dollars but not exceeding ten thousand dollars, in value. . . is theft in the second degree . . . Theft in the second degree is a class "D" felony.
- (3) The theft of property exceeding five hundred dollars but not exceeding one thousand dollars in value, or the theft of any property not exceeding five hundred dollars in value by one who has before been twice convicted of theft, is theft in the third degree. Theft in the third degree is an aggravated misdemeanor.
- (4) The theft of property exceeding two hundred dollars in value but not exceeding five hundred dollars in value is theft in the fourth degree. Theft in the fourth degree is a serious misdemeanor.
- (5) The theft of property not exceeding two hundred dollars in value is theft in the fifth degree. Theft in the fifth degree is a simple misdemeanor.

CRIMINAL CODE OF IOWA, Chapter 902, Felonies 902.9(4) a class C felon, not a habitual offender, shall be confined for no more than ten years, and in addition shall be sentenced to a fine of

at least one thousand dollars but not more than ten thousand dollars.

902.9(5) A class D felon, not a habitual offender, shall be confined for no more than five years, and in addition shall be sentenced to a fine of at least seven hundred fifty dollars but not more than seven thousand five hundred dollars.

CRIMINAL CODE OF IOWA, Chapter 903, Misdemeanors.

903.1 Maximum Sentence for Misdemeanors

(1) if a person eighteen years of age or older is convicted of a simple or serious misdemeanor and a specific penalty is not provided for or if a person under eighteen years of age has been waived to adult court. . . on a felony charge and is subsequently convicted of a simple, serious or aggravated misdemeanor, the court shall determine the sentence . . . within the following limits:

(a) For a simple misdemeanor, there shall be a fine of at least fifty dollars but not to exceed five hundred dollars. The court may order imprisonment not to exceed thirty days in lieu of a fine or in addition to a fine.

(b) For a serious misdemeanor, there shall be a fine of at least two hundred fifty dollars but not to exceed one thousand five hundred dollars. In addition, the court may also order imprisonment not to exceed one year.

92) When a person is convicted of an aggravated misdemeanor, and a specific penalty is not provided for, the maximum penalty shall be imprisonment not to exceed two years. There shall be a fine or at least five hundred dollars but not to exceed five thousand dollars.