

**LAW
 For Laypersons**

If you give a check in payment for goods at a store and the check is returned to that store because there are insufficient funds in your account to pay the check, the store has the right to charge you a processing fee of \$10 when you come back to the store to pay for the check. The store's authority to charge this fee is contingent upon its posting an appropriate sign at a place in your plain view when you pay the check.

Suppose you never return to the store to pay the check? You might suppose that the grocery store will bring a law suit against you. Naturally, the judge will grant a judgment against you in the full amount of the check, but he will

also tack \$10 onto that amount to defray the cost of processing the returned check. This \$10 charge is really the same processing fee you would have paid if you had returned to the store to pay the check in cash. North Carolina's General Statutes § 6-21.3 gives the presiding judge or magistrate the authority to add this \$10 processing fee to the returned check. In addition to the processing fee, the presiding judge or magistrate may also add to the amount a reasonable attorney's fee to the duly licensed attorney representing the store if you fail to pay the check when the store mailed you a notice ten days before starting the action that it intended to file the suit if you

did not pay the check.

Certainly, the solution to prevent having to pay a processing fee or attorney's fee for rubber checks is to keep good track of your money and just not write a rubber check. To the extent that you are careless with your account and rubber checks result, you will pay the price.

"This article is written as a matter of general interest only. It is not to be construed as legal advice, and you should not rely on the statements made in the article to govern your actions in any specific case. If you have a particular question or problem, you should contact an attorney."

Thank you!

**Judge Sol
 Cherry**

Paid By Sol Cherry Re-Election Committee



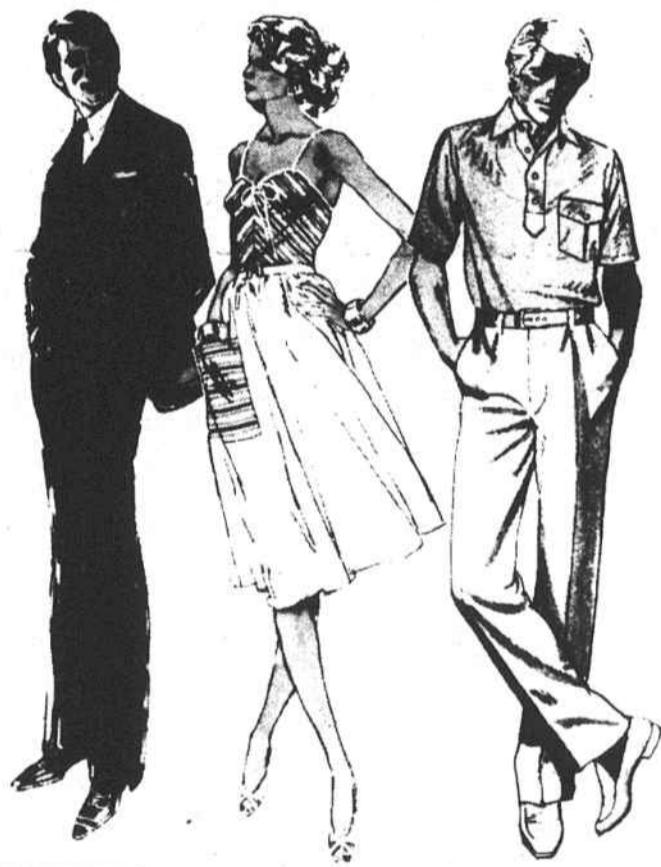
JULY



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