

LOST OR DESTROYED AGENCY CHECKS**8044**

(Renamed and Revised 12/03)

Lost or destroyed checks *for which the amount has not been remitted to an escheat revenue account* (SAM 8042) may be replaced with new checks at the request of and made payable to either:

1. The payee of the lost or destroyed check who has requested replacement of the check, or
2. A person other than the original payee who has requested the issuance of a new check in lieu of the lost or destroyed check and who has certified that he is the legal owner or was in legal possession of the check at the time it was lost or destroyed.

Upon receipt of a request for the issuance of a check to replace a lost or destroyed check the agency will:

1. Prepare a Stop Payment Request form, STD. 432, and process it in accordance with the instructions in SAM Section 8045, Stop Payments.
2.
 - a. If the request is for \$100 or less, and the agency has received a letter from the payee containing all the facts required by the State Agency Trust Check Replacement Application form, STD. 805A, proceed to Step 3.
 - b. If the request is for more than \$100 or the agency has not received a letter from the payee containing all the pertinent facts, the agency will complete the application sections of an STD.805A or STD. 805B. and forward to the person requesting a new or replacement check. The STD. 805A will be used if it is to be executed within the State of California. The STD. 805B will be used if it is to be executed outside the State of California.
3. Release a new or replacement check to the person requesting such check only after:
 - a. It has received the duplicate of the stop payment form from the STO as acknowledgment that the stop payment notice has been received.
 - b. It has determined that the check was not paid prior to the inclusive period shown on the duplicate of the stop payment form received from the STO. (See SAM Section 8045.)
 - c. It has received the application form required by 2.b. and reviewed it to ensure that the form has been completed properly.
 - (1) Reasonable variations between the signature and the inserted name or reasonable substitution of an initial for a first name will not necessarily invalidate the instrument.
 - (2) The owner of the check and the declarant or affiant signing the application must be the same person.
 - (3) If STD. 805B is used, it must bear the seal of a notary public.
 - (4) All spaces provided in the form must be completed or lined through.
 - (5) All erasures, corrections, additions, or deletions must be initialed by the person making such changes, or preferably by the notary public if STD. 805B is used.
4. Make adequate cross reference in accounting records between the original check and the new or replacement check. (The completed application form will be retained by the agency as a fiscal record.)