

§2165. Evidence of unpaid debt or undischarged obligation

1. Prima facie evidence of debt or obligation. A record of a putative holder showing an unpaid debt or undischarged obligation is prima facie evidence of the debt or obligation.
[PL 2019, c. 498, §22 (NEW).]

2. Preponderance of evidence. A putative holder may establish by a preponderance of the evidence that there is no unpaid debt or undischarged obligation for a debt or obligation described in subsection 1 or that the debt or obligation was not, or no longer is, a fixed and certain obligation of the putative holder.
[PL 2019, c. 498, §22 (NEW).]

3. Overcome prima facie evidence. A putative holder may overcome prima facie evidence under subsection 1 by establishing by a preponderance of the evidence that a check, draft or similar instrument was:

- A. Issued as an unaccepted offer in settlement of an unliquidated amount; [PL 2019, c. 498, §22 (NEW).]
- B. Issued but later was replaced with another instrument because the earlier instrument was lost or contained an error that was corrected; [PL 2019, c. 498, §22 (NEW).]
- C. Issued to a party affiliated with the issuer; [PL 2019, c. 498, §22 (NEW).]
- D. Paid, satisfied or discharged; [PL 2019, c. 498, §22 (NEW).]
- E. Issued in error; [PL 2019, c. 498, §22 (NEW).]
- F. Issued without consideration; [PL 2019, c. 498, §22 (NEW).]
- G. Issued but there was a failure of consideration; [PL 2019, c. 498, §22 (NEW).]
- H. Voided not later than 90 days after issuance for a valid business reason set forth in a contemporaneous record; or [PL 2019, c. 498, §22 (NEW).]
- I. Issued but not delivered to a 3rd-party payee for a sufficient reason recorded within a reasonable time after issuance. [PL 2019, c. 498, §22 (NEW).]

[PL 2019, c. 498, §22 (NEW).]

4. Evidence of course of dealing. In asserting a defense under this section, and subject to section 2094, a putative holder may present evidence of a course of dealing between the putative holder and the apparent owner.

[PL 2019, c. 498, §22 (NEW).]

SECTION HISTORY

PL 2019, c. 498, §22 (NEW).

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