

ARTICLE 4: BANK DEPOSITS AND COLLECTIONS

SECTION 4-404. Bank Not Obligated to Pay Check More Than Six Months Old

A bank is under no obligation to a customer having a checking account to pay a check, other than a certified check, which is presented more than six months after its date, but it may charge its customer's account for a payment made thereafter in good faith.

ANNOTATION

*HARTSOOK v. OWENS

— Ark —, 370 S.W.2d 69 (1963)

Decedent died intestate on July 13, 1961, and in November of that year, petitioner filed a claim against the estate of decedent in the amount of \$1050, based upon a check that had purportedly been given by the decedent to petitioner on December 20, 1960, in part payment for farm machinery as was noted on the check. The administratrix disallowed the claim, but the probate court allowed the claim, although the parties' evidence conflicted as to the validity of the signature on the check.

On appeal, the administratrix claimed that the check had become a nullity because the petitioner failed to cash it within six months after its date. This contention was based upon an Arkansas statute as well as the not then effective UCC Section 4-404, both of which relieve the bank of the duty of cashing checks more than six months old. The court affirmed the lower court, holding that the effective statute and Section 4-404 were adopted for the protection of banks and do not have the effect of extinguishing a valid obligation merely because it is more than six months old. The court further noted that where there is conflicting evidence relating to the genuineness of the signature on a check, it was its duty to leave the probate court's finding undisturbed.

COMMENT

Although not mentioned by the court, under the Code the burden of proving the genuineness of the decedent's signature on an instrument would not be changed under Section 3-307. The presumption of the authenticity of the signature on an instrument does not extend to that of one who has died prior to the requirement of proof.

C.K.B. JR.

ARTICLE 6: BULK TRANSFERS

SECTION 6-105. Notice to Creditors

In addition to the requirements of the preceding section, any bulk transfer subject to this Article except one made by auction sale (Section

* Code construed but did not govern the case.