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What to Do When a Beneficiary Won't Pick Up the Check?

I'm doing my first probate. I represent Executor. Decedent left a \$1000 gift to Neighbor. When Neighbor received notice of the probate, she called me to tell me that Executor is a crook and is stealing Decedent's money. On this same call, Neighbor also told me that the CIA bugs her phone, and that the retired FBI agent on her street is suspicious too. Neighbor has claimed for years that local politicians are "out to get her" because "she knows things."

Anyway, Executor sent a \$1000 check to Neighbor CMRRR. Neighbor never picked up the check. I'm trying to wrap this thing up. How does executor complete this \$1000 gift to Neighbor?

Send me the money and let me worry about it.

Lew Wiener

Certified mail was a mistake, since many people won't pick it up, figuring it's either from the IRS or a creditor. When it is finally returned, re-send the check via regular mail. Her negotiation of the check is all the proof of delivery you need.

Mike Koenecke

If you want proof of delivery, try a process server. They can provide an affidavit of delivery whether or not she cashes the check. If you want the funds cleared from the checking account and fear she won't cash the check, purchase a cashier's check for delivery. Matthew G. Livingood

If she didn't want it, she could have disclaimed the gift.

Jennifer N. Sawday

Or use a Certificate of Mailing, available at the post office for around \$.90 - which is basically regular mail but you have proof of mailing.

Sharon Campbell

Send her a letter, regular and crr, that the funds are available and if not picked up in 30 days, you will give the \$ to the state, as unclaimed



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property. Then do it.

Rebecca Wiess

Check your states statutes. In Florida it would go to the state.

Ronald A. Jones

I generally send a copy of the check with a receipt for the money, which I need to present in court. If someone does not receipt and cash the check, then you can deposit the money with the county, or whatever system your state has. I am in Illinois.

Lynne R. Ostfeld

There are a fair number of people out there who simply will NOT pick up certified mail, for whatever reason.

My suggestion is to send one copy certified (with original check enclosed) and then send a letter uncertified. In the uncertified letter, put everything exactly the same, except a copy of the check (clearly marked "copy"); and a post it note (or other odd-sized, colored paper) attached to the front of the copy of the check, which states,

"This office is trying to send you this check certified mail. We are **not** attempting to involve you in litigation. This money was left to you in the will of _____, deceased. The certified mail receipt # is _____. Please sign it for the postmaster so he can deliver this check. "If you do not want to sign the certified mail receipt, please come to my office 15 days after receiving this letter (to give the postmaster time to return the check) and I will provide you the check. Or, please call this office to instruct how you would like me to handle these funds."

If the person still does not pick up, ask the court for an order to disburse the funds alternatively, or you can always escheat under your state laws.

becki fahle

Yeah, that's one way. But it depends on what the certified mail is: frequently when it's a notice to quit or pay rent, or a 'civil theft' notice, or other such thing, they won't pick it up.

The other way of doing it is to send it so it's not, strictly speaking, certified mail. Most court rules require a receipt evidencing delivery; you can use overnight mail as well, so long as they have to sign for it. Of course, that doesn't get around the problem of them refusing it. What CAN get around that is, to send it not in an envelope; but in a box. Preferably a big box. Wrapped up in wrapping paper. People who wouldn't dream of signing for certified mail will sign for package. Good things come in packages. Presents. Cookies from Grandma. Everyone will sign for a package. Just buy a box down at the post office, stick the notice, check etc. in it, seal it

up, and maybe even some wrapping paper. Send it overnight mail. I'll bet you money it'll be signed for.

Ronald A. Jones

If it is local, I tend to send a letter stating that the check is available at my office. If I have a phone number, I call them instead. Most people will drive across town to pick up money.

If the person is too flaky to come, I tend to move toward depositing it with the court with a copy to the beneficiary.

Darrell G. Stewart

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