

(b) *in any other case the obligation is suspended pro tanto until the instrument is due or if it is payable on demand until its presentment. If the instrument is dishonored action may be maintained on either the instrument or the obligation; discharge of the underlying obligor on the instrument also discharges him on the obligation.*

(2) *The taking in good faith of a check which is not postdated does not of itself so extend the time on the original obligation as to discharge a surety.*

3—803. *Notice to Third Party.*

Where a defendant is sued for breach of an obligation for which a third person is answerable over under this Sub-title he may give the third person written notice of the litigation, and the person notified may then give similar notice to any other person who is answerable over to him under this Sub-title. If the notice states that the person notified may come in and defend and that if the person notified does not do so he will in any action against him by the person giving the notice be bound by any determination of fact common to the two litigations, then unless after seasonable receipt of the notice the person notified does come in and defend he is so bound.

3—804. *Lost, Destroyed or Stolen Instruments.*

The owner of an instrument which is lost, whether by destruction, theft or otherwise, may maintain an action in his own name and recover from any party liable thereon upon due proof of his ownership, the facts which prevent his production of the instrument and its terms. The court may require security indemnifying the defendant against loss by reason of further claims on the instrument.

3—805. *Instruments Not Payable to Order or to Bearer.*

This Sub-title applies to any instrument whose terms do not preclude transfer and which is otherwise negotiable within this Sub-title but which is not payable to order or to bearer, except that there can be no holder in due course of such an instrument.

Sub-title 4

Bank Deposits and Collections

Part 1

General Provisions and Definitions

4—101. *Short Title.*

This Sub-title shall be known and may be cited as Uniform Commercial Code—Bank Deposits and Collections.

4—102. *Applicability.*

(1) *To the extent that items within this Sub-title are also within the scope of Sub-titles 3 and 8, they are subject to the provisions of those Sub-titles. In the event of conflict the provisions of this Sub-title govern those of Sub-title 3 but the provisions of Sub-title 8 govern those of this Sub-title.*