

INSTRUMENT AS A PARTY TO THE INSTRUMENT, THE PLAINTIFF HAS THE BURDEN OF ESTABLISHING THAT THE DEFENDANT IS LIABLE ON THE INSTRUMENT AS A REPRESENTED PERSON UNDER § 3-402(A).

(B) IF THE VALIDITY OF SIGNATURES IS ADMITTED OR PROVED AND THERE IS COMPLIANCE WITH SUBSECTION (A), A PLAINTIFF PRODUCING THE INSTRUMENT IS ENTITLED TO PAYMENT IF THE PLAINTIFF PROVES ENTITLEMENT TO ENFORCE THE INSTRUMENT UNDER § 3-301, UNLESS THE DEFENDANT PROVES A DEFENSE OR CLAIM IN RECOUPMENT. IF A DEFENSE OR CLAIM IN RECOUPMENT IS PROVED, THE RIGHT TO PAYMENT OF THE PLAINTIFF IS SUBJECT TO THE DEFENSE OR CLAIM, EXCEPT TO THE EXTENT THE PLAINTIFF PROVES THAT THE PLAINTIFF HAS RIGHTS OF A HOLDER IN DUE COURSE WHICH ARE NOT SUBJECT TO THE DEFENSE OR CLAIM.

3-309.

(A) A PERSON NOT IN POSSESSION OF AN INSTRUMENT IS ENTITLED TO ENFORCE THE INSTRUMENT IF (I) THE PERSON WAS IN POSSESSION OF THE INSTRUMENT AND ENTITLED TO ENFORCE IT WHEN LOSS OF POSSESSION OCCURRED, (II) THE LOSS OF POSSESSION WAS NOT THE RESULT OF A TRANSFER BY THE PERSON OR A LAWFUL SEIZURE, AND (III) THE PERSON CANNOT REASONABLY OBTAIN POSSESSION OF THE INSTRUMENT BECAUSE THE INSTRUMENT WAS DESTROYED, ITS WHEREABOUTS CANNOT BE DETERMINED, OR IT IS IN THE WRONGFUL POSSESSION OF AN UNKNOWN PERSON OR A PERSON THAT CANNOT BE FOUND OR IS NOT AMENABLE TO SERVICE OF PROCESS.

(B) A PERSON SEEKING ENFORCEMENT OF AN INSTRUMENT UNDER SUBSECTION (A) MUST PROVE THE TERMS OF THE INSTRUMENT AND THE PERSON'S RIGHT TO ENFORCE THE INSTRUMENT. IF THAT PROOF IS MADE, § 3-308 APPLIES TO THE CASE AS IF THE PERSON SEEKING ENFORCEMENT HAD PRODUCED THE INSTRUMENT. THE COURT MAY NOT ENTER JUDGMENT IN FAVOR OF THE PERSON SEEKING ENFORCEMENT UNLESS IT FINDS THAT THE PERSON REQUIRED TO PAY THE INSTRUMENT IS ADEQUATELY PROTECTED AGAINST LOSS THAT MIGHT OCCUR BY REASON OF A CLAIM BY ANOTHER PERSON TO ENFORCE THE INSTRUMENT. ADEQUATE PROTECTION MAY BE PROVIDED BY ANY REASONABLE MEANS.

3-310.

(A) UNLESS OTHERWISE AGREED, IF A CERTIFIED CHECK, CASHIER'S CHECK, OR TELLER'S CHECK IS TAKEN FOR AN OBLIGATION, THE OBLIGATION IS DISCHARGED TO THE SAME EXTENT DISCHARGE WOULD RESULT IF AN AMOUNT OF MONEY EQUAL TO THE AMOUNT OF THE INSTRUMENT WERE TAKEN IN PAYMENT OF THE OBLIGATION. DISCHARGE OF THE OBLIGATION DOES NOT AFFECT ANY LIABILITY THAT THE OBLIGOR MAY HAVE AS AN INDORSER OF THE INSTRUMENT.

(B) UNLESS OTHERWISE AGREED AND EXCEPT AS PROVIDED IN SUBSECTION (A), IF A NOTE OR AN UNCERTIFIED CHECK IS TAKEN FOR AN OBLIGATION, THE OBLIGATION IS SUSPENDED TO THE SAME EXTENT THE OBLIGATION WOULD BE DISCHARGED IF AN AMOUNT OF MONEY EQUAL TO THE AMOUNT OF THE INSTRUMENT WERE TAKEN, AND THE FOLLOWING RULES APPLY: