

DEAD OR IN INSOLVENCY PROCEEDINGS, (III) BY THE TERMS OF THE INSTRUMENT PRESENTMENT IS NOT NECESSARY TO ENFORCE THE OBLIGATION OF INDORSERS OR THE DRAWER, (IV) THE DRAWER OR INDORSER WHOSE OBLIGATION IS BEING ENFORCED HAS WAIVED PRESENTMENT OR OTHERWISE HAS NO REASON TO EXPECT OR RIGHT TO REQUIRE THAT THE INSTRUMENT BE PAID OR ACCEPTED, OR (V) THE DRAWER INSTRUCTED THE DRAVEE NOT TO PAY OR ACCEPT THE DRAFT OR THE DRAVEE WAS NOT OBLIGATED TO THE DRAWER TO PAY THE DRAFT.

(B) NOTICE OF DISHONOR IS EXCUSED IF (I) BY THE TERMS OF THE INSTRUMENT NOTICE OF DISHONOR IS NOT NECESSARY TO ENFORCE THE OBLIGATION OF A PARTY TO PAY THE INSTRUMENT, OR (II) THE PARTY WHOSE OBLIGATION IS BEING ENFORCED WAIVED NOTICE OF DISHONOR. A WAIVER OF PRESENTMENT IS ALSO A WAIVER OF NOTICE OF DISHONOR.

(C) DELAY IN GIVING NOTICE OF DISHONOR IS EXCUSED IF THE DELAY WAS CAUSED BY CIRCUMSTANCES BEYOND THE CONTROL OF THE PERSON GIVING THE NOTICE AND THE PERSON GIVING THE NOTICE EXERCISED REASONABLE DILIGENCE AFTER THE CAUSE OF THE DELAY CEASED TO OPERATE.

3-505.

(A) THE FOLLOWING ARE ADMISSIBLE AS EVIDENCE AND CREATE A PRESUMPTION OF DISHONOR AND OF ANY NOTICE OF DISHONOR STATED:

(1) A DOCUMENT REGULAR IN FORM AS PROVIDED IN SUBSECTION (B) WHICH PURPORTS TO BE A PROTEST;

(2) A PURPORTED STAMP OR WRITING OF THE DRAVEE, PAYOR BANK, OR PRESENTING BANK ON OR ACCOMPANYING THE INSTRUMENT STATING THAT ACCEPTANCE OR PAYMENT HAS BEEN REFUSED UNLESS REASONS FOR THE REFUSAL ARE STATED AND THE REASONS ARE NOT CONSISTENT WITH DISHONOR;

(3) A BOOK OR RECORD OF THE DRAVEE, PAYOR BANK, OR COLLECTING BANK, KEPT IN THE USUAL COURSE OF BUSINESS WHICH SHOWS DISHONOR, EVEN IF THERE IS NO EVIDENCE OF WHO MADE THE ENTRY.

(B) A PROTEST IS A CERTIFICATE OF DISHONOR MADE BY A UNITED STATES CONSUL OR VICE CONSUL, OR A NOTARY PUBLIC OR OTHER PERSON AUTHORIZED TO ADMINISTER OATHS BY THE LAW OF THE PLACE WHERE DISHONOR OCCURS. IT MAY BE MADE UPON INFORMATION SATISFACTORY TO THAT PERSON. THE PROTEST MUST IDENTIFY THE INSTRUMENT AND CERTIFY EITHER THAT PRESENTMENT HAS BEEN MADE OR, IF NOT MADE, THE REASON WHY IT WAS NOT MADE, AND THAT THE INSTRUMENT HAS BEEN DISHONORED BY NONACCEPTANCE OR NONPAYMENT. THE PROTEST MAY ALSO CERTIFY THAT NOTICE OF DISHONOR HAS BEEN GIVEN TO SOME OR ALL PARTIES.