



JAMES HICKS
CRIMINAL DISTRICT ATTORNEY
42nd, 104th, 326th, and 350th
JUDICIAL DISTRICTS OF TEXAS

To all of our Merchants,

The Taylor County District Attorney's Office processes approximately 1,200 returned checks every year. A large number of our merchants have new employees processing checks and taking payments. We thought this might be a good time to review what we do, and what we need you to do, to help us process your hot checks.

First, send a certified letter and/or a letter by regular mail, on all checks you have returned, or you can send a letter by regular mail and sign an affidavit in front of a notary and return with each returned check. This is the most accepted, as required by law. This affidavit, with your signature on it swears you sent a letter to the individual. The only exception to sending a letter is if you have checks stamped ACCOUNT CLOSED, you may bring these as soon as you receive them. The letter needs to state, in some form, that they have ten (10) days to make the check good or it will be turned over to our office. Please see example attached. If the certified letter is signed for, you must give them ten (10) days to pay the check before you turn it over to us. If the letter is not signed for, you may bring it to our office as soon as you get it back in the mail. We need the following items when you bring the check in:

1. The original check or a certified copy from the bank.
2. A copy of the letter you mailed. Once you have mailed your letter, give them ten (10) days to pay in full. If you choose to use the notarized affidavit be sure ten (10) days have passed after mailing your letter.
3. Certified green card or the entire envelope still intact. If you bring the green card in, ten (10) days must have passed since it was signed.
4. Completed Worthless Check Form. The gold copy on the back is for your record.

The worthless check form must be completed in full. This form is provided by our office and can be picked up or found on the Taylor County website. This form is your actual complaint and accompanies the warrant, if it comes to that. All of the warrant information comes from this form, so it must be completed in full to enable us to have accurate warrants. (1) We must have a name not a business. (2) Driver's license are required on all warrants, so we need this information. If you do not have it, we will attempt to collect the check but we will not be able to file a warrant unless it is someone we have already dealt with. (3) The last known address is where we mail our letter to, so we also need this. (4) We need as much information as you have regarding their description. If you do not know this, leave it blank. (5) We need your complete

information. This information goes to the hot check writer, the court or on your check when we collect the funds. (6) We need the reason the check was written. This information also goes on the warrant and tells us what kind of warrant to issue. We need as much information as you can give us. If you have both a service and a merchandise business, this is very important. If you have an invoice to include, this is even better. Check for rent, need a copy of the contract included. (7) The person who took the check from the maker is also required. This information goes on the warrant. Without this name, we cannot issue a warrant. (8) We need to know if this was postdated or held for any reason. This also affects the type of warrant we issue. (9) We do collect a fee for you, however, we request you do NOT put it on the form. We collect a \$30.00 fee on every check. This is the most we or you can collect. (10) You may list up to four (4) checks on a form and we require, if you have multiple checks on the same person, that you do so. (11) The person filing the complaint will need to print and sign their name at the bottom, as well as date it.

If you receive an ACCOUNT CLOSED check, it must be stamped ACCOUNT CLOSED by the bank. We will need the original check or a legal copy from your bank and our worthless check form completed.

We DO NOT need: the receipt you received from the post office when you certified the letter, the return or charge back slip from you bank or any internal forms or notes from your office.

Once we receive all of the information as stated above from you, we will enter the check(s) into our system and mail a letter out. We will give them 30 days to contact our office to either pay the check in full or to set up a payment plan. If they do not pay after the 30 days or set up a payment plan, we will issue a warrant. In order for this warrant to be lifted, they must pay their check(s), fine and court costs. If they are arrested on the warrant, they will be sent to court and the judge will decide what punishment they must face.

If you have already turned a check over to us to collect on, please DO NOT accept payment of any kind on the same check. Please refer them to our office to pay.

All of our forms and information can be found on the Taylor County Website. Please feel free to contact us if you have any questions.

Thank You,

Fraud & Forfeiture Division

Sample Letter to Send to your Hot Check Writer

Dear _____,

The check which you presented to me in payment for _____ which you purchased on _____, drawn on the _____ bank in the amount of \$_____ has been returned marked, "insufficient funds." If you fail to make payment in full with ten (10) days after receipt of this notice, the failure to pay creates a presumption for committing an offense, and this matter may be forwarded to the Taylor County District Attorney for criminal prosecution.

Sincerely,

STATE OF _____
COUNTY OF _____

AFFIDAVIT OF FIRST CLASS LETTER SERVICE

On this the ____ day of _____, 20____, a ten (10) day demand letter was
mailed by first class to _____.

AFFIANT

MERCHANT

Sworn to and subscribed before me by _____ on this the ____ day of
_____, 20____.

Notary Public