<u>STEP BY STEP COLLECTION PROCEDURE</u>

1.   **"CLOSED ACCOUNT"** checks. No letter is required; **go to step 4, A. and C**. then **go to step 5 below**.

2.   **"NSF" checks**. Send the attached letter by Certified, Signed receipt mail to the address shown on (1) the check, (2) bank records or (3) your records. Keep a copy of the letter; <u>if there is no payment within 10 days</u>, go to step 4 below.

3.   **"Stop Payment" checks.** Send the attached letter by Certified, Signed receipt mail to the address shown on the check. Keep a copy of the letter. **<u>You must give the check writer the option to return the merchandise or pay the check amount. If the merchandise is returned, you can either accept or reject the merchandise but cannot file a criminal case.</u>** If there is no payment or attempt to return merchandise, within 10 days, got to step 4 below.

4.   **BRING DOCUMENTS TO THE COUNTY ATTORNEY OFFICE** **(or mail them)**
     A.   **ORIGINAL CHECK**
     B.   A COPY OF THE LETTER SENT TO THE CHECK WRITER
              A. SIGNED GREEN CARD FROM CERTIFIED MAIL
              B. IF THE LETTER IS RETURNED FOR BAD ADDRESS, UNCLAIMED, BRING THE *UNOPENED* LETTER
     C.   **HOT CHECK FILING INFORMATION SHEET**. FILL OUT THIS FORM (SEE ATTACHED).
     D.   **SIGNED/NOTARIZED COMPLAINT**
     E.   **COPIES OF THE INVOICE, WORK ORDER, CASH REGISTER RECEIPT (IF ANY EXIST) AND ANY NOTES ABOUT THE TRANSACTION AND THE CHECK WRITER. (THIS INFORMATION IS *NOT* REQUIRED BUT IS SOMETIMES VERY HELPFUL).**
     F.   **STOP PAYMENT CHECKS** – NEED WRITTEN AFFIDAVIT FROM PERSON WHO ACCEPTED THE CHECK DETAILING EVENTS TO THE PURPOSE OF THE CHECK AND ANY REASONS IT WAS STOPPED. THE SIGNATURE OF AFFIVIANT MUST BE NOTARIZED.

5.   **DEADLINE.** Bring the above documents to the County Attorney's office within 90 days from the date that the check was written*. If the check is over 90 days old, the case will be declined unless there is a reasonable explanation for the delay.* When too much time goes by, the check writer has moved and cannot be located. This greatly reduces the ability to effectively prosecute the hot check writer. Additionally, your delay could cause other merchants to be victims of other hot checks by the same check writer.

6.   **Action by the County Attorney.** Once we receive the required documents from you, we will send a postcard to the check writer demanding payment. If there is no response from the check writer within 10 days, we will type the complaint, sign it, and file a criminal case of theft by check or issuance of bad check using the affidavit for warrant of arrest form that you submitted, ***provided there was two forms of identification (Date of Birth, Driver's License, or Social Security Number) provided for us to verify in order to issue a warrant.*** After the case is filed, the warrant is sent to the Sheriff's Office to be entered into the system. **The County Attorney's Office has no power of arrest.** Additionally we cannot take further action until the check writer is arrested and the case is placed on the court docket. If the check writer has not been arrested, and you see the check writer or become aware of a new address for the check writer, you should call your local Police department or the Sheriff's office and ask them to verify the warrant and arrest the check writer.

PLEASE ATTACH CHECK(S) HERE

Please attach copy of letter and green card (or whole letter if returned unclaimed) behind this sheet.

CALVIN GROGAN

HUNT COUNTY ATTORNEY
P. O.BOX 1097
GREENVILLE, TX 75403-1097
(903) 408-4112

**TEXAS
HOT CHECK FILING
INFORMATION SHEET**

Today's Date: _____

CHECK WRITER'S NAME: _____

PAYEE INFORMATION (This is where we will send the money when it is collected from the check writer):
1. Business Name: _____
2. Business Owner: _____
3. Business Address: _____
4. Business Telephone: _____
5. Type of Business: _____
6. Employee who accepted the check: _____
7. Employee's position (example: Clerk, Asst. Mgr.) _____
8. Location where check accepted: (example: In store, mail, at residence): _____
9. Was the check accepted in person or by mail: _____
10. **Items exchanged for check: (example: groceries, gas, candy):** _____
11. Amount of Check: _____
12. Date check was accepted (usually the date on the check): _____
13. Date of presentment to bank (usually date cashed or deposited): _____
14. Bank on which check was written (Bank printed on check): _____
15. Bank check was presented to (where it was deposited): _____

CHECK WRITER INFORMATION:
1. Check writer's name: _____
2. Name of person giving the check (usually person signing the check): _____
3. Check writer's address: _____
4. Check writer's telephone number: _____
5. **Driver's License # _____ or Social Security # _____**
6. **Check writers date of birth: _____Race: _____Sex: M   F**

WHY WAS THE CHECK RETURNED TO YOU? (Please circle one)

NSF (INSUFFICIENT FUNDS)   ACCOUNT CLOSED   STOP PAYMENT   REFER TO MAKER

Date: _____

  To: _____

       _____

       _____

This is your official notice under the Texas Penal Code that check no._____,
in the amount of $ _____, dated _____has been
returned by your bank.

For insufficient fund, closed account, and/or stop payment check(s), this is a demand for
payment in full for a check or order not paid because of an insufficient fund, closed account,
and/or stop payment check(s). If you fail to make payment in full, within 10 days, after the date
of receipt of this notice, the failure to pay creates a presumption for committing an offense, and
this matter may be referred for criminal prosecution.

For stop payment checks, this is a demand for payment in full for a check or order not paid
because of a stop payment order placed on the check or order. You have the option of either
paying the check or returning the merchandise within 10 days of receipt of this notice. The
failure to make payment for the check or return the merchandise creates a presumption for
committing an offense, and this matter may be referred for criminal prosecution.

As authorized by Business & Commerce Code Sec. 3.506, you owe an additional $30.00
processing fee.

TOTAL AMOUNT DUE: $ _____

Sincerely,

_____

Mail restitution to:

_____

_____

_____