Taylor County
District Attorney
Check/Fraud Department

400 Oak Street
Suite 110
Abilene, TX 79602
(325) 674-1360

To all of our Merchants,

The Taylor County District Attorney's Office processes approximately 2,000 returned checks every month. 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 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 our office which we will notarize for you. It is an affidavit with your signature on it swearing you sent a letter to the individual with the exception of ACCOUNT CLOSED checks, which you may bring as soon as you receive them. If you have a notary please request a form from our office, to fill out yourself and return with each returned check. This is the most accepted, as required by law. The letter needs to state, in some form, that they have 10 days to make the check good or it will be turned over to our office. If the certified letter is signed for, you must give them 10 days to pay the check before you turn it over to us. If the letter is not signed for, you may bring it in 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. We MUST have the original check, or a certified copy from the bank, copies taken off of the internet will not work.

2. We MUST have a copy of the letter you mailed to them. Once you have mailed them your letter, give them 10 days to pay in full. If you choose to use the notarized affidavit be sure 10 days have passed after mailing them your letter.

3. We MUST have either the green card signed or the entire envelope still intact. If you bring the green card in, 10 days must have passed since it was signed.

4. We MUST have a completed worthless check form. This form MUST be completed in full. This form is your actual complaint and accompanies the warrant, if it comes to that. All of our warrant information comes from this form, so it must be completed IN FULL to enable us to have accurate warrants. (a) We must have a name, not a business. (b) Drivers 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. (c) The last known address is where we mail our letter to, so we also need this. (d) We need as much information as you have regarding their description. If you do not know this, leave it blank. (e) We need your complete information. This information goes to the hot check writer, the court or on your check when we collect the funds. (f) 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 merchandise business, this is very important. If you have an invoice to include, this is even better. Checks for rent, need a copy of the contract included. (g) The person who took the check from the maker is also required. This information goes on the warrant. We MUST be able to read this name. We spend a large amount of time, when a warrant is issued, trying to get this information because it was not completed or we can not read it. (h) We need to know if this was postdated or held for any reason. This also affects the type of warrant we issue. (i) 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. (j) You may list up to 4

checks on a form and we require, if you have multiple checks on the same person, that you do so. These forms are very expensive and, as this is Tax-Payers money, we don't want to use any more than necessary. (k) We need a signature. (l) We need the person who signed to print his or her name. Again, we spend a lot of time trying to get this information as we can not read it or it is not completed. This information does go on the warrant. (m) The form needs to be dated.

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. We DO NOT need the return or charge back slip from your bank. We DO NOT need your internal forms or lists. The above information is all we need.

A check valued at $1500 or less has a two year statute for processing. Your checks need to be in our office no later than 18 months after they were written. This is the most we can allow to give us ample time for collection. The sooner you can get your returned checks into our office the better. Check writers tend to write numerous checks in a short period of time. Often, we have a case working within three weeks of the check(s) being written. The hot check writer frequently will pay these off to avoid having to go to court. If the case is disposed of and only one more check comes in, that was written in the same time frame, the chances of collection are diminished.

The checks are our evidence in the case, so they need to be in as good of shape as possible. If they have numerous staples in them, the chances of us tearing them and thus hurting the evidence, are too great. Please try to put only one staple on the check. We do realize sometimes the checks come from the bank in poor shape, but try not to make it any worse. Please try not to staple across any information on the check. These forms are four part forms and are distributed to various offices. The back, or gold copy, of the form is yours. The two middle copies accompany the warrant. This means we have to separate them and numerous staples increase the possibility of the check being torn.

When we receive the checks from you we enter them into our system and mail a letter out. Our letter gives the check writer 15 days to contact our office. If they do, we will make payment arrangements with them to a point. If they do not pay or contact our office, we issue a warrant for their arrest. If they are arrested, they are required to pay or go to court. Both of our Judges in County Court will normally give them six months to pay off all monies due.

This is why it is very important that all of your employees understand that THEY MAY NOT accept any payments on checks that are in our office. If we have issued a warrant, and we do NOT ALWAYS give them 15 days, this could cause legal complications for you.

We are not trying to make this difficult for you. While processing the volume of checks we do, helping us in this way will benefit you and our office. We will try to resolve the matter as soon as possible. The more you can help us, the greater the possibility of us being able to collect your checks.

If you do have any questions, please call us and we will be happy to help. If you need forms please contact us. We also have window decals and signs available for display in your business.

Thank you,

TAYLOR COUNTY DISTRICT ATTORNEY
CHECK/FRAUD DIVISION
Enclosures: Sample letter
Worthless check form copy
Affidavit form

SAMPLE LETTER TO SEND TO YOUR HOT CHECK WRITER

Dear Mr. Doe:

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 a payment in full within 10 days after receipt of this notice, the failure to pay creates a presumption for committing an offense, and this matter may be referred for criminal prosecution.

Sincerely,

_____

STATE OF TEXAS
COUNTY OF TAYLOR

AFFIDAVIT OF FIRST CLASS LETTER SERVICE

ON THIS THE _____ DAY OF _____, 20____, A 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