



John Mark Cobern
Titus County Attorney
tituscounyattonerney@gmail.com

Alma Gonzalez
Hot Check Department
almagonzalez1152@gmail.com

Titus County Attorney's Office – 100 West First Street, Suite 102, Mt. Pleasant, Texas 75455
Phone: 903-572-0382 Fax: 903-577-7540

Office Hours: Monday through Friday: 8:00 A.M.-12:00 P.M. & 1:00 P.M. – 5:00 P.M.

- The Hot Check Department is a division of the County Attorney's Office.
- It is self-supported by fees collected from hot check writers.
- There is no charge for this service to the merchant or individual filing the check for collection. This office prosecutes checks from \$0 to \$1,499.99.
- Hot checks are prosecuted as thefts, which can carry a \$4000.00 fine and up to 1 year in jail.

FILING A HOT CHECK

1. SEND 10 DAY DEMAND LETTER TO CHECK WRITER

- When the check is returned unpaid you must send a 10 day demand letter demanding payment in FULL within 10 days of the date of the letter. (Sample letter attached and available on our website)
- You DO NOT have to mail the letter certified.

The only instance that you will not need to do this is a check returned "CLOSED ACCOUNT"

2. OBTAIN A WORTHLESS CHECK AFFIDAVIT FROM THE COUNTY ATTORNEY'S OFFICE

- Forms may be picked up in person or downloaded from the County website at <http://www.co.titus.tx.us/> under the County Attorney tab.

3. FILL THE FORM OUT COMPLETELY AND ACCURATELY

- The information must be LEGIBLE.
- The form must be notarized (it can be notarized at the Hot Check Department if dropped off in person).

4. DELIVER THE AFFIDAVIT AND ORIGINAL CHECK TO THE HOT CHECK DEPARTMENT

- The original check returned by the bank must accompany the affidavit
- Make a copy of your check for your records

MERCHANT'S RESPONSIBILITY

- Print on the face of the check the Driver License and Date of Birth of the person writing the check - even if it is pre-printed on the check!
- Print the initials of the clerk accepting the check on the face of the check.
- Deposit the check within 30 days of the date it is written.
- File with the Hot Check Department within 60 days of the date the check was written.
- Do not accept any payments from the defendant if check has been brought to the Hot Check Department for collection. No restitution is to be accepted after the check is filed with the Titus County Attorney's Office.
- Though it is not a requirement, we recommend that the merchant attempt to contact the check writer once before filing the check with us.

Tips for Handling Checks

What to look for when you accept a check

If you want to protect yourself from losses due to dishonored checks there are certain rules you must follow. Most of these rules apply to the moment you accept the check. State laws, local practices and practicality may also influence how a dishonored check may be handled.

Following are some simple steps you should always take when accepting a check:

1 Check The Signature. Watch the person sign the check. Pre-signed checks are often a problem. Compare the signature with one on a photo ID. If the signature is not legible-write the name above the signature (especially on business checks).

2 Record the ID. Write the Driver's License number and Date of Birth. Actually look at this ID. This is the only way to prevent fictitious or fraudulent ID numbers from being used by criminals.

3 Compare the Amounts. Banks may not accept checks where the amounts don't match, or they may go by the word written amount. If the amounts do not match the check should not be accepted.

4 Verify the Date.

Post dated checks cannot be prosecuted. the date is on the check correct current

5 Verify Address and Information. much

information as possible. Verify that the address on the check is correct and compare it with the ID.

THE IMPORTANCE OF VERIFIED IDENTIFICATION ing
Be a dishonored check. In order to prosecute a check, the person who accepts the check must be able to identify the check writer. This requires some measure of proof. Reasonable proof can be:

- 1) The person who accepted the check verified identity using Photo ID
- 2) The person who accepted the check MUST be noted. He or she must put their initials or employee number on the check.

Joe & Joann Criminal 5	No: 0105
DL# 12345678 2	Date 4
132 Your Street Mt. Pleasant, TX 75455	
Pay To	\$ 3
The Order Of	Dollars
Titus County Attorney	1
Mt. Pleasant, Texas 903-572-0382	

checks
Verify written and is date.

Phone
Get as

"MUST HAVES"

- √ Name
- √ Date of Birth
- √ Address (a street address is best)
- √ City √ State √ Zip
- √ Phone Number
- √ Drivers License, State I.D. or Military I.D. Number

Look at ID Photo -

Is this the person presenting the check?

√ Mark each item on the check as you verify it.

WORTHLESS CHECK AFFIDAVIT



The undersigned affiant, who after being duly sworn by me makes the following statements under oath: I have a good reason to believe and do believe that:

NAME OF PERSON WRITING CHECK(S) _____ DL # or ID # _____ STATE _____ DOB _____

(Additional address, phone, or identifying information. Also list *any payments received* toward balance of check.)

Herein after called the accused, did commit the offense of theft by passing a worthless check. My belief is based on the following facts, as shown by the appropriately completed information as set out below, to-wit:

ITEM PURCHASED OR SERVICE	CHECK NUMBER	DATE WRITTEN	AMOUNT OF CHECK	RETURN REASON	NAME OF PERSON WHO TOOK CHECK

I UNDERSTAND THAT A WARRANT CAN ONLY BE ISSUED ON CHECKS WHERE THE CLERK REQUIRED PROPER IDENTIFICATION

I hereby swear or affirm that the above information is true and correct to the best of my knowledge; that the above check(s) was given in Titus County, Texas; that said check(s) was not postdated or a hold check(s); and that said check(s) was believed to have been good when it was accepted; and that said check(s) was presented to the bank for payment within 30 days after receipt; that proper identification was required on each check listed above; that I personally received said check(s) or that by virtue of my employment I have the authority to make this affidavit on behalf of the holder; that I understand that if charges are filed, a warrant will be issued for the accused who may be placed in jail.

<p>Transaction Location</p> <p>Address</p> <p>Business Name: _____</p> <p>Address: _____</p>	<p><u>Restitution Address (If different)</u></p> <p>Business Name: _____</p> <p>Address: _____</p> <p>City, State ZIP: _____</p> <p>Phone: _____</p>
--	---

Typed/Printed Name of Affiant _____

Affiant's Signature and Title _____

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE _____ DAY OF _____, 20_____.

Notary Stamp

Notary Public in and for the State of Texas

My Commission Expires _____

Probable Cause Determination:
Date: _____

Judge/Magistrate

Date: _____

To: _____

This letter is your official notice under the Texas Penal Code that Check no. _____, in the amount of \$ _____, dated _____, 201__ has been returned by your bank.

This is a demand for payment in full for a check or order not paid because of a lack of funds, account closed, or insufficient funds. 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 to the Titus County Attorney's Office.

TOTAL AMOUNT DUE: \$ _____

Sincerely,

Mail restitution IN FULL to:

**STATE OF TEXAS
COUNTY OF TITUS**

On this the _____ day of _____, 20____, a
10-day demand letter was mailed by First Class mail to:

_____ (name)

_____ (address)

_____ (address)

After 10 days, the letter has not returned to me. (If letter did return, it is attached hereto.)

Affiant

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

Notary Public, State of Texas

State of Texas

Justice of Peace Court # _____

Vs.

Of

Titus County Texas

WARRANT # _____

COMPLAINT

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS: I, the undersigned, being duly sworn do state upon my oath that: I have good reason to believe and do believe based upon the following information that I was advised that the check herein described was issued by the defendant herein Defendant to the person or business named herein and the payment of said check was refused by the bank.

The charge that before the making and filing of this complaint, on or about _____ in the County Of Titus, State of Texas, the defendant, _____ did then and there issue a check to _____, for the payment of money which check was in the tenor following: SEE ATTACHED COPY OF CHECK; and the said defendant knew that he/she did not have sufficient funds in and on deposit with said bank for the payment in full of the check as well as all other checks outstanding at the time of issuance,

Against the Peace and Dignity of the State

Complainant

Printed Name of Complainant

Sworn and subscribed before me, the _____ day of _____, 20 _____

Notary Public, State of Texas