



# DISTRICT ATTORNEY'S OFFICE

33<sup>rd</sup> & 424<sup>th</sup> Judicial Districts

COUNTIES OF

BLANCO • BURNET • LLANO • SAN SABA

**Wiley B. McAfee**

**District Attorney**

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Our office will attempt to collect money owed to you that is the result of the insufficient funds/stop payment/account closed check(s) which were returned to you.

PLEASE NOTE THAT OUR OFFICE CAN PROSECUTE CASES AS CRIMINAL THEFT ONLY WHEN THE CHECK WAS EXCHANGED AT OR ABOUT THE SAME TIME THAT THE GOODS OR SERVICES WERE GIVEN TO THE PERSON.

WRITING THE CHECK. In cases where the check was post-dated or where goods or services were provided and then you later received the check based on an invoice you sent to the buyer, you must utilize the remedies available to you in civil court.

In order to begin the collection process, we need you to complete the following steps:

STEP #1) Send a letter to the check writer informing him/her of the dishonored check and demand payment. Send one copy of this letter by certified mail, return receipt requested, and send a second copy of this letter by regular mail. You must include the following language in your demand letter:

“This is a demand for payment in full for a check or order not paid because of a lack of funds or insufficient funds. If you fail to make payment in full within 10 days after the receipt of this notice, the failure to pay creates a presumption for committing an offense, and this matter may be referred for criminal prosecution.”

STEP #2) You must fully complete the Worthless Check Information form providing us with all of the information we will need to evaluate the case for criminal presentation to a Grand Jury. Please complete each and every blank on each page, even if your answer is “I do not know.”

STEP #3) If you do not receive payment after 10 days, bring or mail to our office (1) a copy of the demand letter, (2) the original of the copy of the check that the bank returned to you, (3) the original of the post office “green card” and/or the unopened envelopes that the post office returned to you as being undeliverable or unclaimed, (4) the completed Worthless Check Information form, (5) copies of all documentation generated during the sale such as receipt, estimate, invoice, etc., and (6) any letters, emails, or texts from the check writer in response to your demand letter and any notes or memoranda that you made about phone calls or personal discussions with the check writer in response to your demand letter.

NOTE: If our office accepts the case for prosecution, we must be involved in all aspects of the case until final conclusion. If anyone contacts you about paying all or part of the check you must refer them to our office to discuss payment details.

If you have any questions regarding these instructions, please call our office.

Sincerely,

Wiley B. McAfee  
District Attorney

**WORTHLESS CHECK INFORMATION FORM**

I do certify that I have good reason to believe and I do believe that \_\_\_\_\_ has committed the offense of theft by passing a worthless check. My belief is based on the following facts:

Person who signed the check: \_\_\_\_\_

Gender: \_\_\_\_\_ Race: \_\_\_\_\_ Age/date of birth: \_\_\_\_\_

If Company Check, name of Company: \_\_\_\_\_

Address: \_\_\_\_\_ Phone (\_\_\_\_) \_\_\_\_ - \_\_\_\_

Drivers License No.: \_\_\_\_\_ State: \_\_\_\_\_

Other Identification: \_\_\_\_\_

Social Security No.: \_\_\_\_\_ Check Cashing Card: \_\_\_\_\_

Personal or Company ID Card: \_\_\_\_\_

Name of Person who accepted the check: \_\_\_\_\_

Office Address: \_\_\_\_\_ Phone (\_\_\_\_) \_\_\_\_ - \_\_\_\_

Home Address: \_\_\_\_\_ Phone (\_\_\_\_) \_\_\_\_ - \_\_\_\_

Can he/she identify the person who presented the check? Yes \_\_\_\_ No \_\_\_\_

Check No.: \_\_\_\_\_ Date on Check: \_\_\_\_\_ Date Check was accepted: \_\_\_\_\_

Name and address of Bank on Check: \_\_\_\_\_

Name of person or Business the Check is made payable to: \_\_\_\_\_

Amount of the check: \$ \_\_\_\_\_

Did the person accepting the check believe that the check was good on the date that the check was accepted?  
Yes \_\_\_\_ No, the check was to be held for deposit on another date \_\_\_\_

Was the property and/or services provided by you or your company to the check writer?: Yes \_\_\_\_ No \_\_\_\_

Was the property and/or services received by the check writer in person?: Yes \_\_\_\_ No \_\_\_\_

In what county were the property and/or services delivered to the check writer? \_\_\_\_\_

Was the check delivered by the check writer in person or by mail? \_\_\_\_\_

In what county was the check delivered to you or your business? \_\_\_\_\_

Describe the sequence of the transaction: (example - did you give the property or services (a) before you received the check or (b) at the same time you received the check or (c) after you mailed an invoice or statement to the check writer) \_\_\_\_\_

What property or services were given in return for the check(s)? Please give a full, complete, and detailed description of the property and/or services in layman's language. (examples: number of units or yards or feet; type of equipment or structure rented or sold; if rented beginning date and ending date; description of the services rendered including the period of time services were rendered and any agreement as to when payment was to be made; any invoice or statement or work order prepared as part of the transaction; any other information which may be added to inform us as to what was received for the check given) If property was delivered and services were rendered both in the same transaction, please describe the property and services separately. Descriptions such as "merchandise" or "code numbers" or "professional fees" or remodeling" or "consultation" are inadequate. Use separate page if necessary.

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Was the check deposited or presented for payment within 15 days from the date it was received? If not please explain: Yes \_\_\_ No \_\_\_\_\_

Name of person who prepared and mailed the letter demanding payment: \_\_\_\_\_

Date the letter demanding payment was mailed: \_\_\_\_\_ Certified No.: \_\_\_\_\_

Was the letter demanding payment received? If yes, please state the date it was received and the name of the person who signed for it: \_\_\_\_\_

If no, please state the reason why the letter was returned to you: \_\_\_\_\_

What is the name of the person or company that the letter demanding payment was mailed to?: \_\_\_\_\_

What is the address that the letter demanding payment was mailed to?: \_\_\_\_\_

Please give the name, address, and contact phone number of all persons who saw or heard or participated in the transaction for which the check was given:

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Please describe any information you may have as to how to locate the person who wrote the check?

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Has any partial payment been received on this check? Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes, how much has been received and when were the payment(s) received?: \_\_\_\_\_

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Has any part of the property been returned?: Yes \_\_\_\_\_ No \_\_\_\_\_

If so, when? \_\_\_\_\_ What part? \_\_\_\_\_

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Money collected should be sent to: \_\_\_\_\_

Address: \_\_\_\_\_

Should we require more information who do we contact? \_\_\_\_\_

Phone number (\_\_\_\_) \_\_\_\_ - \_\_\_\_\_ Email \_\_\_\_\_

I UNDERSTAND that upon filing checks with the District Attorney's Office, the District Attorney's Office assumes full control of the matter. If the writer of the hot check contacts me about the check I will tell the hot check writer that he/she must contact the District Attorney's Office.

I UNDERSTAND that the District Attorney's Office is unable to provide me with regular progress reports about the check. I understand that I may contact the District Attorney's Office regarding the status of the case if I desire, however, I also understand that the District Attorney's Office may need to withhold certain information for security of the prosecution.

I do hereby verify that the information contained in this form is true and correct to the best of my knowledge; that the check(s) that I am submitting for prosecution was given at the location described above; that at the time that the check(s) were received by me or by the agent of the business named above it was our belief that the check would be immediately honored by the bank on which the check was written; and that the check(s) that I am submitting for prosecution were not post-dated under a promise to hold the check(s) for deposit at a later time.

I am signing this form on: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Printed Name