

**THE STATE OF TEXAS & COUNTY OF WILLIAMSON
KNOW ALL MEN BY THESE PRESENTS:**

For office use only:

PID: _____ Date Received: _____



BEFORE me, the undersigned authority, on this day personally appeared the undersigned Affiant who, being first duly sworn by me, on oath made the following statements:

"My name is _____. As part of my job responsibilities with _____, I am the custodian of the business records relating to the instrument described below and I am familiar with the procedures of the business with regard to the accepting and processing of checks and it is within the regular course of the business for an employee with personal knowledge of the transaction, to make a contemporaneous business record of the facts set forth in this affidavit.

That the accused did then and there intentionally, knowingly, and unlawfully commit the offense of (Theft by Check) because the accused issued and passed a check for the payment of money knowing that the accused did not have sufficient funds in or on deposit with the bank or other drawee for the payment in full of the check or stopped payment on the check; that said check was delivered by the accused to an employee of the business in Williamson County, Texas; that said check was not post-dated or a hold check instrument; that said instrument was believed to have been good when it was accepted; that the accused has never returned the property or paid the instrument; that the affiant or store employee did not consent to the accused obtaining the property or service without receiving payment of the same; that said instrument was presented to the bank of the accused within 30 days of issuance; and that it is regular business policy to require identification by the issuer at the time of the transaction, as reflected by the facts set forth in this affidavit, to wit:

FACTS ABOUT THE ACCUSED

Name: _____ DL# or ID #: _____ DOB: _____

(Person Who Signed Check – Not Company Name)

Address: _____ City: _____ State: _____ ZIP: _____

WK Phone: (_____) _____ Home Phone: (_____) _____

FACTS ABOUT THE CHECK

Check #	Date Written	Amount of Check	How Check Dishonored (NSF/AC/SP)	Certified Mail Sent (Y/N)	1 st Class Mail with Affidavit (Y/N)

Was check: Down payment Partial payment Payment on Charge account Post-dated Stop-payment
 Contract or lease Account held Suspected forgery Given to you outside Williamson Co.

(If any of these apply, we may not be able to prosecute)

WARNING: After a check is filed, NEITHER YOU NOR YOUR EMPLOYEE may accept payment from the accused or from anyone EXCEPT this office, as the County Attorney assumes full control over the disposition of this case.

6. The Affiant: _____ Job Title: _____

Business Name: _____

Mailing Address: _____

City/State/Zip: _____

Phone: _____ (work); _____ (home).

Affidavit of Service

(Fill this out only if notification was sent)

"My name is _____. I am the owner/representative of _____ (business) and on the ____ day of _____, 20____, I served a **NOTICE OF DEMAND** by placing a true and correct copy thereof securely enclosed in an envelope addressed as follows: (Name of Accused) _____ (Address) _____ (City/State/ZIP) _____ and deposited the same, postage prepaid, (First Class Mail/Certified Mail Return Receipt Requested) in the United State mail.

Printed Name of Affiant

Signature of Affiant

Date

SWORN AND SUBSCRIBED before me by the said Affiant on this _____ day of _____, 20____.

Notary Public in and for the State of Texas

1. Be sure all writing, including your signature, is legible; don't forget your mailing address.
2. We accept only checks passed in Williamson County.
3. By law, we cannot prosecute on checks where all or part of the property has been returned or partially paid, payments on charge accounts, post-dated, or two-party checks.
4. Affidavit of service is provided on front of this form.
5. Notice to the defendant is not required on "Account Closed" checks.
6. On checks marked "NSF", notification is only required via first class mail, along with a certificate of service, which is provided on the front of this form. Certified notification is no longer required.
7. Statute of limitations on checks less than \$1,500.00 is 2 years. For checks \$1,500.00 or greater, the statute of limitations is 5 years.
8. The affidavit **MUST BE COMPLETELY FILLED OUT** or it will not be accepted. If information is not available, please indicate with "NA".
9. **THE AFFIDAVIT MUST BE NOTARIZED.**
10. Mail the check and the completed affidavit to:
County Attorney
Hot Check Division
405 MLK, Box 11
Georgetown, TX 78626
11. **After the check is filed, NEITHER YOU NOR YOUR EMPLOYER may accept payment from the Defendant or from anyone EXCEPT this office, as the County Attorney assumes full control over the disposition of this case.**
12. The check is retained as part of the official record, and will not be returned either to the payee or the Defendant.
13. The **Defendant** will be required to pay a \$30.00 merchant fee.
14. When the charges are filed, a warrant will be issued for the arrest of the Defendant.
15. For updates on checks filed with the County Attorney's Office, please call our office, printed status reports are available upon request.
16. Without a **CURRENT DRIVER'S LICENSE NUMBER**, a warrant generally **CANNOT** be issued. This is a Texas Crime Computer requirement.
17. Though it is our first priority, we cannot guarantee restitution on all checks filed with us.

I HAVE READ THE ABOVE INSTRUCTIONS AND I UNDERSTAND THEM FULLY.

AFFIANT _____