

MERCHANT'S HOT CHECK AFFIDAVIT



The undersigned Affiant, who after being duly sworn by me, made the following statements under oath:

Name of Affiant:		Job Title:	
Business Name:			
Address:	City:	State:	ZIP:
Business Phone:		E-Mail Address:	

I, Affiant, have good reason to believe and do believe that the Defendant named below did commit the offense of Theft by Check. My belief is based on the following facts set out below, to-wit:

Name of Defendant:		DOB:	DL or ID #:	
Address:	City:	State:	ZIP:	
Home Phone:	Work Phone:		Mobile Phone:	

Check #	Date Written	Check Amount \$	How Check was Dishonored (NSF, Account Closed, Stop Payment)
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Nature of the Check (check all that apply):

- | | | |
|--|--|--|
| <input type="checkbox"/> Contract or Lease | <input type="checkbox"/> Account Held | <input type="checkbox"/> Payment on Charge Account |
| <input type="checkbox"/> Down Payment | <input type="checkbox"/> Partial Payment | <input type="checkbox"/> Post-Dated |

- Describe item(s) purchased or service(s) rendered: _____
- Was the check listed above presented to the bank within 30 days after receipt? ☐ Yes ☐ No

SERVICE OF NOTICE--Complete this portion only if Affiant sent notification to the Accused

- ☐ Furthermore, I served a NOTICE OF DEMAND on said Defendant to the address listed above through the United States Postal Service by (check one) ☐ First Class Mail ☐ Certified Mail Return Receipt Requested.

I hereby swear or affirm the information contained herein is true and correct to the best of my knowledge; the check listed above was given in Williamson County, Texas; said check was not post-dated or a hold check; and said check was believed to have been good when it was accepted; I personally received said check or by virtue of my employment I have the authority to make this affidavit on behalf of the holder. I understand if charges are filed an arrest warrant may be issued for the Defendant who may be placed in jail.

SIGNATURE OF AFFIANT

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

NOTARY PUBLIC, State of Texas

My commission expires _____

FILING A HOT CHECK WITH THE WILLIAMSON COUNTY ATTORNEY'S OFFICE

1. The County Attorney's Office can only prosecute hot checks passed in Williamson County, Texas.
2. By law, the County Attorney's Office cannot prosecute hot checks where all or part of the property has been returned or partially paid, checks which constitute payments on charge accounts, post-dated checks, or two-party checks.
3. The statute of limitations on a check in an amount less than \$1500.00 is two years, and a check in an amount of \$1500.00 or greater is five years from the date of the check.
4. **Fill out the Affidavit in full.** Please indicate information that is unavailable to you with the notation "N/A." Please note, without a current driver's license number for the Defendant, an arrest warrant generally cannot be issued due to law enforcement computer requirements. The more personal identifiers and contact information you provide about the Defendant, the more likely we are able to successfully locate and prosecute the Defendant.
5. Make sure all writing on the Affidavit form is legible. Do not forget your mailing address. Please contact the Hot Checks Division immediately if your business name, address, or phone number changes.
6. If you sent a *Notice of Demand* to the Accused, please fill out the "Service of Notice" portion in the Affidavit. Notice to the Accused is not required on "Account Closed " checks.
7. **The Affidavit must be notarized, or it will not be accepted.**
8. You may submit the completed Affidavit along with the check itself in person at the County Attorney's Office Hot Check Division located on the first floor of the Williamson County Justice Center located at 405 MLK Street, Georgetown, Texas, or by mail to the following address:

County Attorney Hot Check Division
405 MLK Street, Box 11
Georgetown, Texas 78626
9. **After the check is filed with the County Attorney's Office, neither you nor your employer may accept payment from the Accused or from anyone else except the County Attorney's Office.** The County Attorney assumes full control over the disposition of this case.
10. Once submitted, the actual check becomes evidence and is made part of the County Attorney's file and will not be returned to the payee or the accused.
11. The Defendant will be required to pay a **\$30.00** merchant fee that will be remitted to the payee upon collection.
12. Collecting restitution and fees on your behalf is our first priority. However, we cannot guarantee restitution will be collected on all checks filed with the County Attorney's Office.
13. For updates on hot checks filed with the County Attorney's Office, please contact the Hot Check Division via telephone at **(512) 943-1138**. Printed case status reports are available upon request.