



Michael W. Hartman
County Attorney
Scurry County, Texas

Dear Merchant,

The County Attorney's Office offers a **free** service designated to assist merchants in collecting worthless checks. It is my intent to be an effective tool for local businesses in processing worthless checks.

In order for the program to be a success I would request your assistance in the following ways:

1. Please post a sign with the amount you charge as a service fee for all returned checks. (At the present time the amount may not exceed \$30.00 per returned check).
2. Only Texas checks will be accepted.
3. Checks must be passed in Scurry County.
4. Please submit checks to the County Attorney's Office within 30 days of passing.
5. Identification of check writer must be accurate including address, driver's license, and date of birth, if possible.
6. When possible, have the memo portion of check completed (generic descriptions will suffice, i.e. cash, merchandise, labor, etc.).

I have enclosed an information sheet to be submitted with the checks brought to my office. Please submit the ORIGINAL OR LEGAL COPY of the check with one information sheet per check.

There is no need to send a demand letter (10 day letter) to the check writer. The County Attorney's Office will perform that service for you.

Should check writers not voluntarily pay, a warrant will be issued for their arrest. In that instance someone from your business will be required to come to my office to sign a formal complaint.

On occasion, there are checks that are simply uncollectible or the check writer will be sentenced to jail. In those cases, I may be unable to collect restitution for the check amount; however, I am determined to make this program a success and to assist the merchants of this county. Should any problems, concerns, or suggestions arise please feel free to contact me.

Michael W. Hartman
Scurry County Attorney

HOT CHECK INFORMATION

I would like to be able to assist you with all the "Hot Checks" you receive, and I will be happy to review any check you receive and attempt to recover restitution. However, Texas Criminal Law prevents me from fully prosecuting certain types of checks as a theft. Example:

1. Post dated or "hold" checks.
2. Most "Stop Payment" checks, unless there is additional evidence of intentional fraud.
3. Checks under \$2,500.00 and more than 2 years old.
4. Checks not presented to the bank within 30 days from the date written.
5. Checks received through the mail.
6. Checks passed outside Scurry County.
7. Checks given in payment of a loan.
8. Checks given as a payment on an account or debt.
9. Child support checks.
10. Certain two party checks.
11. Checks where no property or service was given in immediate exchange.
12. Altered or forged checks (these need to go to the police or sheriff's office).

If you have a check that fits into a category listed above, I will be happy to review it. There may be other options available to us including filing a case for issuance of a bad check instead of the theft charge we would normally file. Additionally, you may still have certain civil remedies at your disposal such as filing in small claims court etc.

WORTHLESS CHECK INFORMATION SHEET

MICHAEL W. HARTMAN
SCURRY COUNTY ATTORNEY

I. CHECK WRITER

Name: _____

Address: _____ Zip: _____

Date Of Birth: _____ Sex: M F Driver's License _____

Home Phone # _____ Work Phone # _____

II. BUSINESS

_____ Merchant Fee: _____

Owner/Manager _____ Phone # _____

Mailing Address for Restitution

_____ Zip: _____

III. CHECK INFORMATION

CK#: _____ Date of Check: _____

Bank: _____ Check Amount: _____

What was Purchased With Check: (Circle One that Applies) **Merchandise Services Cash**

IV. Please Read the Following Requirements of the County Attorney:

1. The County Attorney's Office assumes FULL control and disposition of this case.
2. After the filing of the check(s), restitution CANNOT be accepted by anyone, unless it is received from an agency designated by this office. Article 36.05 of the Texas Penal Code states: "A complaining witness commits an offense if, after criminal proceedings have been instituted, he solicits, accepts, or agrees to accept any benefit in consideration of abstaining from, discontinuing or delaying the prosecution of another for an offense."
3. Although we attempt to collect restitution, The County Attorney's Office is not a collection agency.
4. The County Attorney's Office CANNOT GUARANTEE restitution.
5. The check has correct driver's license and date of birth, and the check was passed in SCURRY COUNTY.
6. IT IS MY RESPONSIBILITY TO NOTIFY THE COUNTY ATTORNEY'S OFFICE OF ANY CHANGE IN ADDRESSES HEREIN.

Attach Original Check here.

For County Use Only:

TOTAL MERCHANT RESTITUTION:	\$ _____
TOTAL MERCHANT FEE:	\$ _____
TOTAL COUNTY FEE:	\$ _____
TOTAL DUE:	\$ _____