

ERATH COUNTY ATTORNEY
CHECK COLLECTIONS DEPARTMENT
100 W. WASHINGTON ST. 2ND FLOOR
STEPHENVILLE TEXAS 76401
PHONE: 254.965.1453 FAX: 254.965.1421

GUIDELINES FOR SUBMITTING DISHONORED CHECKS

1. NSF (INSUFFICIENT FUNDS), STOP PAYMENT, and REFER TO MAKER CHECKS, UNABLE TO LOCATE ACCOUNT:

Send the maker of the check a demand letter giving them 10 days to make the check good.

a. If letter is mailed certified mail:

- ✓ Notice must be sent certified, return-receipt mail to the last known address
- ✓ If the green card is signed and returned to you, wait 10 days from the date it was signed for. If you have not been paid after 10 days, you may submit the check along with the green card to us for collection.
- ✓ If the entire letter/envelope is returned to you unclaimed, left no forwarding address, refused, etc., you may submit the check and the UNOPENED envelope/letter to us for collection.

b. If the letter is mailed using affidavit of service:

- ✓ Notice can be sent first-class mail to the last known address
- ✓ Complete an "Affidavit of Service by Mail"- this form MUST BE NOTARIZED
- ✓ WAIT 10-15 days after notice has been mailed; if you have not been paid after 10-15 days, you may submit the check along with the Affidavit of Service by mail and a copy of the demand letter to us for collection

2. ACCOUNT CLOSED :

- ✓ You are not required to send notice to the check writer
- ✓ You may submit an "account closed" or "unable to locate account" check to us as soon as you receive it.

3. WHAT TO BRING TO OUR OFFICE:

- ✓ Completed check log
- ✓ Original check from your bank with either:
 - A.** *Signed green card or unopened envelope*
 - B.** *Affidavit of Service and copy of your demand letter*
- ✓ Attach any additional information related to the check behind the check with a paperclip or staple at the LEFT-HAND side of the check.

- Remember to submit checks within 2 months but checks can be submitted up to two (2) years from the date it was issued. In general, there will be a better chance of collection if you submit your checks as early as possible.

4. WAYS TO HELP US SERVE YOU MORE EFFICIENTLY:

- ✓ Record and verify check writer's driver's license or identification number and date of birth on every check.
- ✓ Thumbprint from check writer placed in an open area on the front of the check; if there is not room, have them place it on the back of the check in the endorsement area.
- ✓ If the maker does not fill in PAYEE, fill it in for them or use a stamp.
- ✓ Written amounts and numbers must correspond
- ✓ Check must be signed
- ✓ Try not to cover any of the information about the maker with a staple or writing.

5. CHECKS WE CANNOT ACCEPT FOR PROSECUTION:

- ✓ Postdated or hold checks
- ✓ Two/Three-party checks
- ✓ Checks used for payment on account
- ✓ Checks deposited over 30 days from the date the check was issued
- ✓ Checks where no ID was taken (we will attempt to collect but cannot file a criminal case)
- ✓ Checks where there is no witness
- ✓ Forged/Irregular signatures (These checks need to be filed with the appropriate law enforcement agency)

6. NOW WHAT HAPPENS?:

- ✓ The check is entered into our system and a courtesy letter is generated
- ✓ The check writer has 10 days to respond to our letter
- ✓ If no response, the check is reviewed to see if it meets the criteria to file a criminal case.
 - If yes: a warrant is issued for the check writer and a court date is set
 - If no: the check is returned to the merchant
- ✓ Once a check has been turned in to our office, you **MAY NOT** collect/accept payment from the check writer. You must refer them to our office.
- ✓ Please feel free to call and check the status if you have not received a restitution check after a month.

Thank you for allowing us the opportunity to serve you.