

JUSTICE OF THE PEACE, PRECINCT 3- WORTHLESS CHECK INFORMATION

FILL OUT COMPLETELY- ITEMS UNANSWERED WILL BE PRESUMED UNKNOWN AND WILL RESULT IN DELAYS OR INABILITY TO PROSECUTE

TYPE OR PRINT

Maker of Check: _____

Home Address: _____

City: _____ State: _____ Zip Code: _____

Phone: (Home) _____ (Work) _____ (Other) _____

Driver's License Number: _____ State: _____ Date of Birth: _____

Race: _____ Sex: _____ Age: _____

Leads as to Maker's Location: _____

Name of person who received check: _____

Home Address: _____

City: _____ State: _____ Zip Code: _____

Business Address: _____

City: _____ State: _____ Zip Code: _____

Money collected should be sent to: _____

Address: _____ City: _____ State: _____ Zip Code: _____

CHECK EITHER YES OR NO FOR THE FOLLOWING QUESTIONS:

- | | | | |
|----|--|-----|----|
| 1. | Can recipient identify maker of the check? | YES | NO |
| 2. | Was the check thought to be good when accepted: | YES | NO |
| 3. | Was the person who presented the check also the person who signed the check? | YES | NO |
| 4. | Was the check deposited or presented for payment within 30 days of receipt? | YES | NO |
| 5. | Was the check received in Ellis County? | YES | NO |
| 6. | Was the check postdated or a hold check? | YES | NO |
| 7. | Has full or partial payment been made? | YES | NO |
| 8. | Has all or part of the property been returned? | YES | NO |
| 9. | Was the check received in the mail? | YES | NO |

If you have any service charges for returned checks, please list the amount: \$ _____

I UNDERSTAND that upon filing checks with the Justice of the Peace Court, the Justice of the Peace Office assumes full control of the matter. I ALSO UNDERSTAND that the Justice of the Peace Office DOES NOT give status reports on any check filed and I agree not to ask for a status report at any time. I ALSO UNDERSTAND that a check filed in the Justice of the Peace Court becomes part of the Official Records of that office and WILL NOT be returned to the PAYEE or the MAKER of the check.

Date received by Justice of the Peace

Complainant (or Agent) Signature

Complainant (or Agent) Printed Name

AFFIDAVIT FOR WARRANT OF ARREST

The undersigned affiant, who after being duly sworn by me, on oath, makes the following statement:

I have good reason to believe and do believe that _____, hereinafter called the accused, whose Texas driver's license is _____, did commit the offense of Issuance of a Bad Check. My belief is based on the following facts:

On _____, in the City of _____, Ellis County, Texas, the accused passed a check in the amount of \$ _____, in exchange for property or services to: _____, an employee of _____.

CHECK ONE BOX

_____ who received said check in the regular course of business and who personally told me all foregoing facts;

_____ who received said check under the foregoing circumstances in the regular course of such business as shown by its business records and by the said check have personally examined.

I HAVE PERSONALLY EXAMINED SUCH CHECK THAT WAS NOT HONORED BY THE BANK AND ON ITS FACE SUCH CHECK, THROUGH MARKINGS PLACED ON THE CHECK BY THE BANK SHOWS THAT:

CHECK ONE BOX

_____ the accused did not have sufficient funds on deposit with the bank for payment in full of said check; uncollected funds.

_____ the accused did not have an account with the bank at the time the accused issued the check; unable to locate account, refer to maker, endorsement cancelled, account closed.

I PERSONALLY LEARNED THE NAME, ADDRESS, AND TX DRIVER'S LICENSE NO. OF THE ACCUSED:

CHECK ONE BOX

_____ by personally examining the said check upon which such information was written by the said recipient or passer of the check.

_____ by personally examining the business records that were prepared by the said recipient of the check when the check was passed.

AND FURTHERMORE, as an employee or owner of said business, I personally know that in its regular course of business, said business requires that every passer of a check produce valid identification (including passer's name, address, and driver's license no.) And that such information is routinely placed on foregoing item by the recipient (employee of the business) or passer of the check.

WHEREFORE, the affiant requests the issuance of warrant of arrest and detention for the accused in accordance with the law.

Affiant

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

_____, 20____.

Notary Public/Clerk of the Court

On this the _____ day of _____, 20____, I hereby acknowledge that I have examined the foregoing affidavit and have determined that probable cause exists for the issuance of an arrest warrant for the individual named therein.

Judge Dan Cox
Justice of the Peace
Precinct Three, Ellis County Texas

Notice Procedure for Issuance of a Bad Check

1. A person issues or passes a check for the payment of money knowing that the issuer does not have sufficient funds in or on deposit with the bank for the payment in full of the check as well as other checks outstanding at the time of issuance.
2.
 - a. Knowledge of insufficient funds is proven by direct evidence; or
 - b. Knowledge of insufficient funds is presumed (except in the case of a postdated check), if:
 - i. maker had no account with the bank at the time he issues the check; or
 - ii. payment was refused by the bank for insufficient funds upon presentation within 30 days after issue **and** the issuer failed to pay the holder in full within 10 days after receiving notice of that refusal.
3. Notice can be actual notice or notice in writing that:
 - a. is sent by:
 - i. first class mail, evidenced by an affidavit of service; or
 - ii. registered or certified mail with return receipt requested;
 - b. Is addressed to the issuer a the issuer's address shown on:
 - i. the check;
 - ii. the records of the bank; or
 - iii. the records of the person receiving the check; **and**
 - c. contains the following language:

“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 a 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.”