

### **MONTGOMERY COUNTY**

#### JUSTICE OF THE PEACE

31350 FRIENDSHIP DRIVE MAGNOLIA, TEXAS 77355

MATT MASDEN
JUSTICE OF THE PEACE, PCT. 5.

Office: (281) 259-6494 (936) 442-7750

Fax: (281) 259-6456 (936) 760-6989

TO.

AREA MERCHANTS AND INDIVIDUALS

FROM:

JUDGE MATT MASDEN

RF.

GUIDELINES FOR FILING ISSUANCE OF BAD CHECK

When filing charges for "Issuance of Bad Check", the following criteria MUST be met in order to process in accordance with the Texas Penal Code Article 32.41:

- 1) The check MUST be stamped "NSF" or "Account Closed" by the Bank AND not over 2 years old
  \*\* STOP PAYMENT, REFER TO MAKER, NO ACCOUNT, UNCOLLECTED FUNDS, LOST OR STOLEN, TWO PARTY
  CHECKS, POST DATED CHECKS OR HELD CHECKS CANNOT BE PROCESSED in this Court. For further information, you
  may contact the Worthless Check Dept. in Conroe at (281) 353-9791.
  - \*\* THE CHECK MUST HAVE GONE THROUGH THE BANK WITHIN THIRTY (30) DAYS OF THE DATE IT WAS WRITTEN FOR THE COURT TO ACCEPT THE FILING ON "ISSUANCE OF BAD CHECK".
- The Court MUST have a Driver's License Number, Social Security Number, Date of Birth, or five (5) physical identifiers, such as race, gender, height, weight, and hair coloring.
   \*\* OTHERWISE, THE COURT CANNOT TAKE THE FIILING
- 3) If the Check Writer has shown you paperwork that states their check or checks were lost or stolen, THE COURT CANNOT TAKE THE FILING
- 4) Under the Provisions of ARTICLE 4.12 PC, the check MUST have been passed in Precinct Five of Montgomery County, Texas for the check to be filed in this Court
- The registered or certified mail with return receipt requested MUST be addressed to the signer of the check, regardless of the name of the company styled at the top of the check. You MAY however, mail the certified letter to the address of the company lift the Defendant signs the green card you MUST wait Ten (10) days before filing. If you receive the letter back marked "unclaimed", you may file immediately. REMEMBER: You CANNOT file without proof of the mail being certified.
- 6) The paperwork required for filing is:
  - A) The original check
  - B) The signed green card or the unclaimed letter with green card still attached and unopened or other proof of delivery as stated above
  - C) The Affidavit. An affidavit for EACH check filed MUST be completed even if there were multiple checks issued by the same individual. You MUST sign the affidavit before the Clerk of the Court or have the affidavit notarized.
    - \*\* REMEMBER: IF A CHECK HAS NOT GONE THROUGH THE BANK WITHIN THIRTY (30) DAYS OF THE DATE WRITTEN, THE COURT CANNOT ACCEPT THE FILING.

Please allow the Court's personnel/clerk to review your paperwork before leaving. Incomplete or inaccurate documents may delay the process. Your cooperation in these matters makes it possible for this office to serve you better.

"Matthe &

# AFFIDAVIT STATING PROBABLE CAUSE ISSUANCE OF BAD CHECK

Texas Penal Code, Article 32.41

\*\*Statue of Limitations – Two (2) Years\*\*

Case No.	
THE STATE OF TEXAS	
VS	
PERSON ASSUME SIGNING CHECK ADDRESS EITH, ST ZIP	IN THE JUSTICE COURT OF MATT MASDEN
ADDRESS	JUSTICE OF THE PEACE PRECINCT 5
E174 55 Z1P	MONTGOMERY COUNTY, TEXAS
Troops Dorz File Date	
Amt. of Check + Service Charge (	(not to exceed \$30.00) =
IN THE NAME AND BY AUTHORITY OF THE STATE OF	FTEXAS
!, FERSON FILING AFFRONYIS, being o	duly sworn, upon oath state that I have good reason to
believe and do believe and charge before the making	of this complaint, that.  In Montgomery County Taxas, Pracinct Five
Annual of about the day of the property of the	assed check number, dated, in
the amount of \$ payable to the order of	MERCHANT / NAME & NAME , drawn on
AFRE 4E SAMP for the payment of n	noney without having sufficient funds on deposit with the
Affiant isowner of / employed by	, (Merchant) and is the clerk /
office manager/ Other	, (Merchant) and is the clerk / who handles customers' checks. Affiant is personally th includes a requirement that before owner / employee of
familiar with the business practices of Merchant, which	h includes a requirement that before owner / employee of
Merchant may accept a check from a customer:	
Driver's License or Texas Dep  () The employee must compare customer and determine whet  () The employee must write the compared to	entify the check writer, but only if you have five (5) physical ality, height, weight, eye color, hair color.
accepted check number, (employee) and that or the records reflect that the owner/employee followed to check further reflect that the check was presented for was returned unpaid, marked "".	in the course of business or employment with Merchant,  Securic complete payment of money and that he procedures indicated above. The records, including the payment within thirty (30) days after it was issued, and it  SE OR POCOUNT (LOSED)  Contract Lose D. 20, a written notice was sent to the
Defendant by certified mail with return receipt request Defendant has not paid the check.	ed, and further show that as of the date of this Affidavit, the
(Paper	N FILING AFFADAVIS
AFFIANT	· · · · · · · · · · · · · · · · · · ·
Sworn to and Subscribed before me on the Z day o	f_ <u>Clay, 20-01-1.</u>

Notary Public in and for the

STATE OF TEXAS
Commission expires: \_\_\_

## AFFIDAVIT STATING PROBABLE CAUSE ISSUANCE OF BAD CHECK

### Texas Penal Code, Article 32.41

\*\*Statue of Limitations – Two (2) Years\*\*

Case N	lo.			
·				
THE STATE OF TE	XAS			•
VS	•	IN THE HIGT	ICE COURT OF MATT	L W V S D E M
	y <del></del>		THE PEACE PR	
		MONTGOMERY COUNTY, TEXAS		
File Dat	е			
Amt. of	Check + Service Cha	rge (not to exceed \$30.00)	=	· ·
IN THE NAME AND BY AUTHO	ORITY OF THE STAT	E OF TEXAS		
			h state that I have go	od reason to
l, believe and do believe and ch	arge before the mal	king of this complaint, tha	ıt:	
On or about the, I the amount of \$	day of	_, 20, in Montgomer	y County, Texas, Pre	cinct Five,
, I	Defendant, issued a	nd passed check number	, dated	, in
the amount of \$	payable to the orde	r of		drawn on
	, for the payment	of money without having	g sufficient funds on	deposit with the
bank for the payment in full of Affiant isowner of office manager/ Other	the check.		/Morehent) and is	. 4ho - olovic /
Affine manager/ Other	/ employed by _	' who handles cue	, (were nant) and is tomore? chocks Affi	ant is parsonally
omce manager Other familiar with the business pra	-tions of Marshaut	which includes a require	nont that before our	ant is personally
•		willon includes a requirer	Helit tilat bejole owi	ier / employee or
Merchant may accept a check	from a customer:			
	Driver's License or Texa The employee must con customer and determine The employee must writ Have the check writer's You may state that you identifiers, i.e., gender, i	uire that the customer display to as Dept. of Public Safety Identification and the Lice whether they are one and the set the customer's license or ider S.S. # and/or their date of birth can identify the check writer, but nationality, height, weight, eye commended.	cation Card sense or identification card same person ntification card number on it only if you have five (5) p color, hair color.	with the
Affiant has examined t	the business record	s of Merchant. Those rec	ords reflect that Mer	chant employs
accepted check number the records reflect that the ow	_, (Employee) and th	at on the day of	, 20 _	
	, (owner or emplo	oyee) in the course of bus	siness or employmen	it with Merchant,
the recently reflect that the	, irom	, Determ	uant for the payment	or money and that
the records reflect that the ow check further reflect that the o	/ner/employee tollov	ved the procedures maic. I for navment within thirt	ateu above. The rect v (20) dave after it w:	orus, including the
was returned uppaid marked	meck was presented	a for payment within time	y (50) days after it wa	is issueu, and it
was returned unpaid, marked The records also show	that on the	av of 2	n a written noti	ice was sent to the
Defendant by certified mail wi	ith return receint rec	uested and further show	that as of the date c	if this Affidavit, the
Defendant has not paid the ch		jacotoa, ana rananor cinoti		in this y and daying the
botomatic has not paid into on	10011.			
AFFIANT				
Sworn to and Subscribed befo	ore me on the o	day of, 20 _	<del></del> '	
		<u> </u>		
·		<u> </u>		
		Notary Public in and t	for the	
		STATE OF TEXAS		

Commission expires: