

AFFIDAVIT FOR PROSECUTION

STATE OF KANSAS)
) SS:
COUNTY OF THOMAS)

COMES NOW THE UNDERSIGNED and deposes and says:

That on _____, the check, a copy of which is attached hereto as “Exhibit A,” was given to _____, by a person who was personally known as _____, who in return for said check received merchandise and/or cash and that said check was *not* given for a pre-existing debt. Further, the check was personally accepted by _____.

FURTHER, affiant states as follows:

1. That at the time the check was made, uttered, and passed, the maker or passer did not indicate by words or actions that he/she did not have deposit in or credit with the bank for the payment of the check.
2. That we were not requested to hold the check.
3. That the maker or passer of said check did not borrow any money and give the check as security for the debt.
4. That the check was not post dated.
5. That the check was submitted to the bank for payment during the usual course of business and was not held.
6. That on _____, we sent by certified mail, a letter addressed to the address as it appears on the check advising the maker of the failure of the check to clear the bank and warned that if said check was not paid within seven (7) days, it would be submitted to the Thomas County Attorney for prosecution.

The check, a copy of which is attached hereto as “Exhibit A” is submitted to the Thomas County Attorney’s office for the sole purpose of prosecution, with the full understanding that the prosecution will not be dismissed because restitution has been made. I am aware that by signing this affidavit and accompanying complaint, criminal prosecutions will be initiated by the State of Kansas, by and through the Thomas County Attorney, and not for the collection of any funds due or for the enforcement of any civil remedies otherwise available to affiant or corporation, business or agency that affiant represents.

Further, I am aware of the provisions of K.S.A. 21-3709, causing an unlawful prosecution of a worthless check is a Class A Misdemeanor, punishable by not more than one year in County Jail and/or a fine not to exceed \$2,500.00, and the costs of the unlawful

prosecution. Affiant hereby states that he/she understands that at the filing of this affidavit, knowing that one or more of the above listed conditions did not exist at the time said check was accepted constitutes an unlawful prosecution of a worthless check.

FURTHER AFFIANT SAITH NOT.

TITLE

SUBSCRIBED AND SWORN to before me on this ____ day of _____, 2007.

Notary Public

(Seal)