

*In order for the District Attorney's Worthless Check Unit to assist you with the collection of a worthless check or to successfully prosecute, it is necessary for you to read and understand the information on the GUIDELINES FOR OBTAINING A WARRANT. Be sure you have met all the guidelines. Please provide all the information you have on the check writer such as: place of employment, home address, phone numbers, Driver's license number, etc.*

*Be sure you have filled out all the information on AFFIDAVIT/WARRANT using the direction sheet provide. IT MUST BE A PINK FORM.*

## GUIDELINES FOR OBTAINING A WARRANT

WARRANTS must be signed by a magistrate in the **DISTRICT CLERK'S OFFICE**. This office is located in the Montgomery County Courthouse at 251 South Lawrence Street, Montgomery, AL 36104. Checks may be turned over Monday thru Friday, 8:00am-4:45pm.

The Fifteenth Judicial Circuit's District Attorney's Special Services Division guidelines are to assist you with obtaining a warrant.

1. All worthless checks must be stamped by the bank upon deposit.
2. Warrants must be processed within one year of the date on the check.
3. Checks must have been passed in person or received by mail here in Montgomery County.
4. **\*Insufficient Funds** checks must have a **certified return receipt requested** ten-day notice sent and proof attached to the warrant. The check writer must be given ten full days from the date of the receipt to make good the check. Unclaimed, undeliverable, or refused letters back have no required waiting period and must be attached to the warrant.  
We **DO NOT** take **STOP PAYMENT, ACCOUNT CLOSED** or **ACCOUNT NOT FOUND CHECKS**.
5. **Once the warrant is signed and sent to the Special Services Division no payment from the check writer is to be accepted by the merchant.** If a payment is taken the merchant must withdraw the warrant when notified by the District Attorney's office. There is a \$30 warrant withdrawal fee charged to the merchant if the warrant withdrawal is approved.
6. The following checks will not be accepted:
  - Checks returned **ACCOUNT CLOSED, ACCOUNT NOT FOUND** or **UNABLE TO LOCATE**. These matters need to be addressed with the local Police or Sheriff's Department and investigated as possible Theft, Theft or Services or Forgery.
  - Checks returned **FROZEN ACCOUNT** or **REFER TO MAKER** are civil court issues
  - two party checks
  - checks processed by a private collection agency
  - checks one year or older
  - checks stamped **STOP PAYMENT**
  - checks where a partial payment has been taken and can be proved
  - checks involved in small claims or civil court where a payment on that check has been taken
  - checks issued by a minor, someone less than 18 years of age

To obtain a warrant for Insufficient Funds, NSF, Uncollected Funds, you must bring (1) the original check or a legal copy of the check from the bank and (2) the green card or the electronic proof of delivery document or the unopened returned letter. These items will be attached to the warrant. The complaint/affidavit form (pink) must be completed before the warrant is signed by the magistrate.

The information I have provided is true and correct to the best of my knowledge. I have not accepted any payment toward this check nor will I. I will have no further connection with this case except to testify if the case is brought to trial. I further understand that any person who wrongfully and corruptly swears to an affidavit may be subject to legal consequences.

I have read and understand the above information.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Montgomery County District Attorney's Special Services Division  
100 South Lawrence Street  
Montgomery, AL 36104  
(334) 832-1630

## NOTICE TO THE MAKER

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

This statutory notice is provided pursuant to 13A-9-13.2, Code of Alabama, 1975. You are hereby notified that a check or instrument numbered \_\_\_\_\_, issued by you on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ drawn upon the bank \_\_\_\_\_, and payable to \_\_\_\_\_, has been dishonored. Pursuant to Alabama Law, you have ten (10) days from receipt of this notice to tender payment of the full amount of such check or instrument plus a service charge of not more than (\$ \_\_\_\_\_) and the total amount being \$ \_\_\_\_\_.

Unless this amount is paid in full within the specified time above, the holder of such check or instrument may assume that you delivered the instrument with the intent to defraud and may turn over the dishonored instrument and all other available information relating to this incident to proper authorities for criminal prosecution.

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

By: \_\_\_\_\_

<b>STATE OF ALABAMA</b> <b>MONTGOMERY COUNTY</b>	<b>COMPLAINT / AFFIDAVIT</b>	<b>THE DISTRICT COURT</b> Case No. _____
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Before me, the undersigned Judge Clerk Magistrate of the District Court of Montgomery County, Alabama, personally appeared (*Please Print or Type Name*) PRINT YOUR NAME (NOT THE BUSINESS NAME) who being duly sworn, deposes and says, on oath, that in said County, on or about DATE ON THE CHECK NAME OF PERSON WHO SIGNED THE CHECK did negotiate or deliver a worthless negotiable instrument, A CHECK, in the amount of \$ 000.00 Check No. 1234 payable to: NAME OF BUSINESS/COMPANY/INDIVIDUAL for value or thing of value ITEMS PURCHASED (JEWELRY, SERVICES, MERCHANDISE) with the intent, knowledge or expectation that such negotiable instrument would not be honored by the drawee, NAME OF BANK ON THE CHECK in violation of §13A-9-13.1, Code of Alabama 1975, against the peace and dignity of the State of Alabama.

Sworn to and Subscribed before me this the 1<sup>st</sup> day of JANUARY, 20 14

**LEAVE BLANK**  
 Clerk Magistrate

**DO NOT SIGN YOUR NAME**  
 Signature of Complainant Affiant

<b>STATE OF ALABAMA</b> <b>MONTGOMERY COUNTY</b>	<b>WARRANT OF ARREST</b>	<b>THE DISTRICT COURT</b> Case No. _____
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**TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:**  
 You are hereby commanded to arrest NAME OF PERSON WHO SIGNED THE CHECK and bring him/her before the DISTRICT COURT OF MONTGOMERY COUNTY, ALABAMA, to answer the State of Alabama on a charge of **NEGOTIATING WORTHLESS NEGOTIABLE INSTRUMENT (Class A Misdemeanor)** and have you then and there this writ with your return thereon.

DISTRICT COURT OF MONTGOMERY COUNTY, ALABAMA

Date this 1<sup>st</sup> day of JANUARY, 20 14

**LEAVE BLANK**

Judge Clerk Magistrate of District Court of Montgomery County, Alabama

WARRANT OF ARREST THE DISTRICT COURT OF MONTGOMERY COUNTY, ALABAMA	STATE WITNESSES	DEFENDANT
<p style="text-align: center;"><i>Negotiating Worthless Negotiable Instrument</i></p> <p style="text-align: center;">THE STATE OF ALABAMA</p> <p style="text-align: center;">v.</p> <p style="text-align: center;">NAME OF PERSON WHO SIGNED THE CHECK</p> <hr/> <p>DA Warrant No. _____</p> <hr/> <p>Bond \$ _____</p>	<p>Business: <u>BUSINESS/CO./INDIVIDUAL</u></p> <p>Address: <u>111 YOUR ADDRESS</u>  <u>CITY, STATE, ZIP</u></p> <p>Phone: <u>(334) 111-1111</u></p> <p>Name: _____</p> <p style="text-align: center;">PERSON WHO ACCEPTED THE CHECK</p> <p style="text-align: center;">OWNER OF BUSINESS</p> <p style="text-align: center;">EMAIL</p> <hr/> <p>Executed Warrant by Arresting Defendant</p> <p>Date: _____</p> <p>By: _____          Deputy Sheriff</p>	<p>Home Address: _____</p> <p><b>ALL INFO YOU MAY HAVE ON THE CHECK WRITER DIFFERENT FROM THE CHECK INFO</b></p> <p>Home Phone: _____</p> <p>Race: _____ Sex: _____</p> <p>DOB: _____</p> <p>DL#: _____</p> <p>SS#: _____</p> <p>Work Place: _____</p> <p>Work Address: _____</p> <hr/> <p>Work Phone: _____</p>



**Azzie Oliver**  
**District Attorney**  
**Fifteenth Judicial Circuit of Alabama**  
100 South Lawrence Street  
PO Box 1667



[www.mc-ala.org/da](http://www.mc-ala.org/da)

Montgomery, Alabama 36102-1667

(334)832-2550

## **What is the Worthless Check Unit?**

The Montgomery County District Attorney's Worthless Check Unit collects restitution for victims of worthless checks. The Unit assists businesses and individuals who receive **insufficient funds checks**. The Worthless Check Unit is a self-funded service of the District Attorney's Office. There is no charge to the victim to use our service. When the bad check writer fails to pay through our office, we assist in prosecution.

If you are a victim of a worthless check and want the assistance of the District Attorney's Office, certain guidelines must be followed for a warrant to be issued.

When an insufficient funds check is received, you must first send the check writer a **notice by certified mail with return receipt requested** and allow ten days from receipt of letter for payment. A sample letter "Notice to Maker" is available from our office.

The certified notice letter must be sent to the person who **signed** the check. It is necessary to use the address exactly like it is on the check.

When you go to the District Clerk's Office to obtain a warrant, you will be required to fill out an affidavit with the information on the person who wrote the check and on the person who accepted the check. Once the information has been confirmed by you, the warrant magistrate will issue a warrant for the arrest of the worthless check writer. When you sign a warrant, you can request restitution for your loss plus a merchant fee.

In order to speed up the process, you need to obtain a warrant within 60 days from the date of the check. By law, you have up to ONE year. After that, you cannot obtain a warrant.

### **The Worthless Check Unit is located:**

Montgomery County Courthouse Annex II  
125 Washington Ave, 3<sup>rd</sup> Floor  
Montgomery, AL 36104

Tel: (334) 832-1630  
Office Hours: 8:00am until 5:00pm  
Monday through Friday

### **The District Clerk's Office is located:**

Montgomery County Courthouse  
251 South Lawrence Street  
Montgomery, AL 36104

Tel: (334) 832-1340  
Office Hours: 8:00am until 5:00pm  
Monday through Friday



## **QUESTIONS and ANSWERS**

### **What should I do if I have received a worthless check and I want help form the Worthless Check Unit?**

First you must send the check writer a notice by certified mail with return receipt requested. If the check writer does not respond, you must bring the worthless check and the receipt from the Post Office to the District Clerk's Office. At the District Clerk's Office, you will swear out a warrant for the arrest of the person who wrote the worthless check. At that point, the District Clerk's Office will forward your case to the District Attorney's Worthless Check Unit.

### **Who is eligible to use this service?**

Any person who has received a worthless check while transacting business in Montgomery County is eligible.

### **What is the cost of this service?**

There is no cost to the victim.

### **Will the Worthless Check Unit accept all checks returned by the bank?**

The Worthless Check Unit will only accept checks that are stamped "insufficient funds".

### **Can a warrant be issued on checks where I have received a partial payment?**

Once you accept a partial payment, the law prevents criminal prosecution. In addition, you will have to pay a \$30 warrant withdrawal fee.

### **How long will it take for me to receive restitution after the worthless check writer pays?**

When the worthless check writer pays, your money will be sent to you by the tenth business day of the following month.

### **How can I find out about the status of the worthless check?**

If you have not heard anything after six weeks, call the Worthless Check Unit at (334) 832-1630.

### **What happens if the worthless check writer fails to pay restitution?**

If the worthless check writer does not respond to the Worthless Check Unit, the active warrant will be served, and the worthless check writer will be arrested. You, as well as the employee who accepted the check, may be required to appear in court. If so, you will receive notice by subpoena.

### **When should I expect restitution if the worthless check writer is arrested?**

At that point, all restitution will be collected and disbursed through the District Clerk's Office. You will need to call (334) 832-1340.

## YOU CAN HELP STOP BAD CHECKS!

**\*Obtain** the person's name, address, home and work telephone numbers, and some positive identification such as a Driver's License.

**\*Record** all of this information on the check.

**\*Witness** the signature of the person presenting the check.

Azzie Oliver, District Attorney

Fifteenth Judicial Circuit of Alabama

Montgomery County Courthouse  
100 South Lawrence Street  
P.O. Box 1667  
Montgomery, AL 36102-1667  
Phone (334) 832-2550

### *Area Code (334)*

Child Support	832-1299
Drug Court	832-7198
Grand Jury	832-7198
Helping Montgomery Families Initiative	832-1666
Investigations	832-2550
Juvenile Prosecution	832-2138
One Place Family Justice Center	832-7378
Pre-Trial Diversion	832-2503
Restitution	832-2544
Victim Services	832-2550
Worthless Checks	832-1630