

# GUIDELINES FOR OBTAINING A WARRANT

WARRANTS MUST BE SIGNED BY A MAGISTRATE IN THE **DISTRICT CLERK'S OFFICE**, located in the Montgomery County Courthouse at 251 South Lawrence Street, Montgomery, AL 36104. Checks can be turned over Monday thru Friday, 8:00am – 5:00pm.

The Montgomery County District Attorney's Worthless Check Unit guidelines assist you with the collection of worthless checks and successful prosecution are as follows:

1. All worthless checks must be stamped **INSUFFICIENT FUNDS** or **ACCOUNT CLOSED**.
2. A check must be processed within one year from the date that the check was written.
3. Checks must have been passed in person or received by mail in Montgomery County.
4. The following will **not** be accepted:
  - two party checks
  - checks that have been processed by a private collection agency
  - checks one year and older
  - checks that are stamped **uncollected funds, stop payment, or refer to maker**
  - checks where partial payments have been taken
  - checks taken outside of Montgomery County
  - checks that are or have been involved in a small claims or civil matter
  - checks where the age of the defendant is less than eighteen on or before the check date
5. Once the warrant is signed, the case is turned over to the District Attorney and no payment from the check writer is to be accepted by the merchant. A warrant will not be withdrawn unless approved by the District Attorney's office and a \$30.00 warrant withdrawal service fee will be charged to the merchant.

Checks written on **insufficient funds** must have a ten-day notice sent to the check writer by certified mail/return receipt requested to the address on the check or another address provided by the check writer. The check writer must be given ten full days from receipt of notice to make the check good. After ten days, a warrant may be obtained. If the certified letter is returned unclaimed, undeliverable, or refused, no waiting period is required. Checks written on **account closed** do not require any notice.

The person obtaining a warrant must bring the original check, and green return receipt/request card. The affidavit/complaint form (pink) is to be filled out before the warrant is signed. The warrant must be signed in the presence of a magistrate.