

BAD CHECK PROCEDURES IN THE MAGISTRATE COURT
OF PEACH COUNTY

1. Upon receiving the check from the bank, you **must** send out a 10-day demand letter **WITHIN 90 DAYS** of receiving the check from the bank. (**NOTE: If this is not sent out within the 90 Day grace period, you will have to civilly sue the person.**) The demand letter **requires** the applicant to send a **certified letter**, using the return receipt and green card from the post office. In this letter the applicant gives the person 10 days to contact them. (If the applicant needs a copy of a 10-day notice letter, they can get one from the Court, but they must request one.)
2. The check must be one of the following: "Insufficient Funds" or "Account Closed" to be determined if it is a bad check:

NOTE: IF THERE IS "STOP PAYMENT" ON A BAD CHECK, THE CHECK CAN ONLY BE PRUSUED AS A CIVIL SUIT.

NOTE: IF THE CERTIFIED LETTER IS SENT OUT 90 DAYS AFTER RECEIVING IT BACK FROM THE BANK, IT HAS TO BE PURSUED AS A CIVIL SUIT.

3. The applicant must fill out all of the information on the Bad Check Warrant Sheet, and sign the Warrant when the Court prepares it.
4. After the applicant is finished filling out all of the information, it is then entered into the docket books (and computer) so the Magistrate Court has a record.
5. If there is a payment made towards the Warrant that the applicant brought in, it will be disbursed out with our monthly statements the following month, usually between the 1st and the 10th of each month.
6. If the person that the applicant has the warrant on wants to pay off the check **after it is brought to the Magistrate Court, Please send them to our office...**You may call us first at 478-825-2060 to find out if the Warrant has been issued and how much the warrant will be.

Certified Mail
Receipt No. _____

RE: RETURNED CHECK

Dear _____:

This is in reference to the following check:

<u>CHECK #</u>	<u>DATE OF CHECK</u>	<u>IN THE AMOUNT OF</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

This check was payable to _____.

The above check has been dishonored. Pursuant to Georgia law (16-9-20), you have **TEN (10) DAYS FROM RECEIPT OF THIS NOTICE** (when the green card is signed) to tender payment of the total amount due being \$_____, plus the amount of service charge \$_____, for a **TOTAL** of \$_____
(_____ DOLLARS and ___ CENTS).

Unless this amount is **PAID IN FULL** within the specified time above, a presumption in law arises that you delivered the item(s) with the intent to defraud and the dishonored check or instrument and all other available information relating to this incident may be submitted to the Magistrate Court for the issuance of a criminal Warrant or to the District Attorney or solicitor for criminal prosecution.

Respectively,

BAD CHECK – Please Print or Type

WARRANT NO. _____

1. This check, draft, or order for payment of money was given for (check one: *if none are applicable, this is not a criminal bad check*):
___ Wages; ___ Rent; ___ State Taxes; ___ Child Support (given to the legal custodian of the minor child because of a Court Order or written agreement); ___ Something of value or an item was received by the check writer at the time the check was given and the something or item of value is generally described as follows:

2. ___ Yes ___ No This check was given in Peach County, Georgia within the previous two (2) years.

3. ___ Yes ___ No The check is written on a bank located in Georgia.

4. ___ Yes ___ No The check was given on the date which appears on its face.

5. ___ Yes ___ No The check was deposited within **30 days** of receipt.

6. ___ Yes ___ No There were arrangements with the accused to **HOLD** the check before presenting for payment.

7. Payment was refused by the drawee bank or other depository because:
___ **NO ACCOUNT**; ___ **ACCOUNT CLOSED**; ___ **INSUFFICIENT FUNDS (NSF)**

8. Payment was first refused by the drawee bank on what date? _____

9. Amount of check(s) _____ Amount of service charge _____

10. Notice of the dishonor and a **10 day Demand Letter** was sent to the check writer by registered or certified mail on : (Date) _____

11. ___ Yes ___ No The notice of dishonor and 10 day Demand Letter was sent within **90 days** of the date that the check was returned.

12. ___ Yes ___ No Did the clerk (person receiving the check) initial check?

13. The person who received and initialed the check: _____

14. **CHECK WRITER'S NAME** _____

D.O.B. _____ **SSN/DLN:** _____

CURRENT ADDRESS _____

PHONE NUMBER _____ **EMPLOYER** _____

15. **CHECK PAYABLE TO** _____

16. **CHECK NO(S):** _____

17. **APPLICANTS' NAME:** _____

APPLICANTS' ADDRESS: _____

CITY & STATE: _____ **PHONE NUMBER** _____

DATE

APPLICANT

CHECK NO.	DATE OF CHECK	AMOUNT OF CHECK
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

TOTAL (OFFICE USE ONLY)