



# Hill County Attorney's Office Bad Check Program Bad Check Affidavit

Jessica Cole-Hodgkinson, Hill County Attorney  
 Mail Affidavit to: Hill Co. Attorney BCP, Hill Co. Courthouse, Havre, MT 59501  
 After filing Affidavit, refer check writers to: 406-265-5481, ext. 211

**PLEASE PRINT ALL INFORMATION IN INK & SIGN BEFORE A NOTARY ON REVERSE SIDE**

To determine whether your Affidavit may be accepted as a criminal matter, answer the following questions: (Yes/No)

- |  |  |
|--|--|
| 1. Was check post-dated at time of acceptance? ____  | 4. Were you asked to hold or delay depositing check? ____              |
| 2. Was check received in the mail? ____              | 5. Have you accepted any payment for this check? ____                  |
| 3. Does this matter involved a two-party check? ____ | 6. Did you know there was insufficient funds when you took check? ____ |

A "Yes" answer to any of the above questions indicates this is a CIVIL matter and is therefore ineligible for the Bad Check Program. It should be dealt with through small claims court or turned over for private collection; do not proceed with filing an Affidavit. If all questions were answered "No", you may file a Bad Check Affidavit by completing the front and back side of this form.

<b>1</b>  <b>SUSPECT</b>	Check writer's full name as written on check				
	Check writer's full name as written on check				
	City, State Zip		Home Phone #		Other Phone #
	SS#	Sex	Date of Birth	Hair	Eyes    Weight    Height
City, State Zip		Home Phone #		Other Phone #	
Staple Documents Here	Employer (if known)				Business Phone:
	Business Address:				
	How did you obtain the check writer's identification? <input type="checkbox"/> D/L <input type="checkbox"/> Military ID <input type="checkbox"/> Other ID _____			Was the check handed to you by someone other than check writer? <input type="checkbox"/> Yes <input type="checkbox"/> No Name: Address:	
<b>2</b>  <b>Checks</b>  List Additional Checks on Another Form and Attach	Check#	Date Rec'd	Amount	What was check for?	Who can ID check writer (i.e. accepted check)?
What did you write on the check at time you received it? <input type="checkbox"/> D/L# <input type="checkbox"/> Check-Cashing Card # <input type="checkbox"/> Your initials <input type="checkbox"/> Other _____					
Has the check writer been notified? <input type="checkbox"/> Yes <input type="checkbox"/> No If so, how? <input type="checkbox"/> Certified Mail (attach receipts) <input type="checkbox"/> Phone <input type="checkbox"/> Other _____					
<b>3</b>  <b>Victim</b>	Victim / Business Name				Phone #
	Victim / Business Name				Phone #
	Victim / Business Name				Phone #
<b>IMPORTANT: FOLLOW REQUIREMENTS ON THE REVERSE SIDE OF THE FORM</b>					

**1. PRIOR TO FILING A BAD CHECK AFFIDAVIT:**

A. Was a "Courtesy Notice" sent to the check writer via U.S.Certified Mail (return receipt and restricted delivery requested),allowing a 5 days grace period to pay off the check(s)? See Sample notice →  
Yes  No  if not, why not? \_\_\_\_\_  
\_\_\_\_\_

B. Was photo identification (i.e. D/L, state ID, check cashing card, etc.) recorded at the time the check was passed?  
Yes  No  if not, why not? \_\_\_\_\_  
\_\_\_\_\_

C. Have you filed this check(s) with a debt collection agency or other debt collector? Yes  No

**2. FILING THE AFFIDAVIT FORM:**

Victims of bad checks may file a Bad Check Affidavit with the Hill County Attorney Bad Check Program, provided there is sufficient information, and that the case meets all eligibility guidelines. The County Attorney's Office will seek full restitution for victims wherever possible; however, please keep in mind that this office is a prosecuting agency and therefore can make no collection guarantees. "Restitution" refers to the face value of all checks listed in the complaint, along with all reasonable "returned item" charges assessed by the bank (A copy of the bank NSF charge must be included.)

- A. **FILL OUT FORM COMPLETELY.** Attach checks and all supporting documents such as **CERTIFIED MAIL RETURN RECEIPT OR UNDELIVERED LETTER, COPY OF "COURTESY NOTICE", "RETURN ITEM" NOTICES FROM THE BANK (WITH FEES). COPY ALL INFORMATION FOR YOUR RECORDS.**
- B. Mail this form directly to Hill County Attorney Bad Check Program. Address listed here. → → → → →
- C. Once an Affidavit has been filed: **ALL restitution must be collected by the Bad Check Program.** Should the check writer contact you to make payment, direct him/her to the Bad Check Program. →

**3. AFTER FILING:**

- A. If you do not receive restitution, within 60 days contact the Hill County Attorney Bad Check Program.
- B. If restitution is not received from the check writer, your Affidavit will be evaluated for criminal prosecution.
- C. **IF PROSECUTABLE, YOU WILL NOT RECEIVE FURTHER NOTICE UNTIL THE SUSPECT HAS BEEN ARRAIGNED IN COURT.** This office will retain all checks as a matter of official record. If for some reason, the Affidavit is not prosecutable, the check(s) will be returned at your request for civil collection purposes.

I understand that I must NOT accept restitution from the check writer after filing this Affidavit with the Bad Check Program. Initial here. \_\_\_\_\_  
I HAVE READ ALL FILING INSTRUCTIONS, AND HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT ALL INFORMATION IN THIS COMPLAINT IS TRUE TO THE BEST OF MY KNOWLEDGE.

\_\_\_\_\_  
Signature of Person Filing

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date Filed

**SAMPLE "COURTESY NOTICE"**

Date \_\_\_\_\_

Dear Check Writer:

You are hereby notified that a check numbered \_\_\_\_ in the face amount of \$\_\_\_\_, issued by you on \_\_\_\_\_ drawn upon \_\_\_\_\_ Bank, and payable to \_\_\_\_\_, has been dishonored. Pursuant to Montana law, you have 5 days from receipt of this notice to tender payment of the full amount of such check plus a service charge of \$\_\_\_\_, total amount due being \$\_\_\_\_\_.

Unless this amount is paid in full within the time specified above, the holder of such check may turn over the dishonored check and all other available information relating to this incident to the Hill County Attorney for criminal prosecution.

Closing,  
Your Name

**MAIL ALL CORRESPONDENCE TO:**

**Hill County Attorney  
Bad Check Program  
Hill County Courthouse  
Havre, Montana 59501**

**After filing this Affidavit, refer  
all check writers to Hill County  
Attorney's Office at 406-265-  
5481, ext.211**