

STATE OF MICHIGAN
37TH JUDICIAL CIRCUIT
CALHOUN COUNTY

ADMINISTRATIVE ORDER
RE: LIST OF BONDSPERSONS

CASE NO.
1988-6

Pursuant to MCLA 750.167(b), the Judges of the Circuit Court shall annually compile and maintain an up-to-date list of the names of persons engaged in the business of becoming surety upon bonds for compensation.

IT IS ORDERED:

The list of bondspersons for the Thirty-Seventh Judicial Circuit Court shall be established as follows:

1. The bondsperson shall make proper application to the Circuit Court Administrator, representing his/her authority to write bonds as well as any limitations on that authority. A copy of the application shall be forwarded to the Prosecuting Attorney who may review the qualifications and status of the applicant and report his findings to the Court.
2. The Court shall circulate the list to the appropriate agencies in accordance with law.

This Order shall become effective September 1, 1988.

Dated: Aug 22, 1988

JAMES C. KINGSLEY
JAMES C. KINGSLEY; P15983
Chief Circuit Judge

A TRUE COPY ATTEST

Edina R. Heuer
DEPUTY CLERK

37TH JUDICIAL CIRCUIT OF MICHIGAN
POLICY/PROCEDURE DIRECTIVE

RE: PROPERTY BONDS

MCLA 765.20 allows a judge to require a criminal surety to pledge realty (property) located within the county where the court is located. The realty must be owned by the surety and at least equal in value to the amount of the bond.

If the judge elects to accept such realty, the surety must execute "the usual form of recognizance" as well as an affidavit executed under an oath administered by the clerk or a judge of the court. The affidavit should be in substantially the same form as the affidavit included with this policy.

Any surety who falsely swears to any material facts in the affidavit is guilty of perjury and shall be accordingly punished upon conviction. MCLA 765.25

The judge may also require the surety to state under oath that he is not presently "a surety upon another recognizance", that there are no unsatisfied judgments or executions against the proposed surety or any other facts relevant to the surety's sufficiency to act as a bondsperson.

MCLA 765.21 states that upon the execution of recognizance and an affidavit containing a description of real estate, a lien in favor of the people of Michigan immediately attaches. The lien is only for the amount of the recognizance and shall remain in effect until it ends or the court orders otherwise.

The execution of recognizance and affidavit should then be immediately filed with the clerk of the court, who shall record a notice of lien with the register of deeds of the county where the realty is located. The notice of lien should be in substantially the same form as the notice of lien included with this policy.

When a surety is cancelled, discharged, set aside or the case is dismissed, the clerk of the court shall immediately file a notice of discharge with the register of deeds in the county where the realty is located. The notice of discharge should be in substantially the same form as the one included with this policy. MCLA 765.22

MCLA 765.23 requires the register of deeds to keep separate records of such notices of lien and discharge and receive fees for such services as provided by law.

A surety may later substitute in cash or other security an amount equivalent to the bond, thereby releasing the lien on the real estate. MCLA 765.24.

If the surety wants to be relieved from his responsibility, he may, with the assistance of the chief of police, sheriff, or any police officer, deliver the defendant to the jail. The surety shall then be released from the conditions of his recognizance. MCLA 765.26.

The 37th Circuit Court requires property sureties submit:

1. Only real property, except land contracts.
2. Real property or properties at least equal to the face value of the bond.
3. Only real property located in Calhoun County.

Policy/Procedure Directive

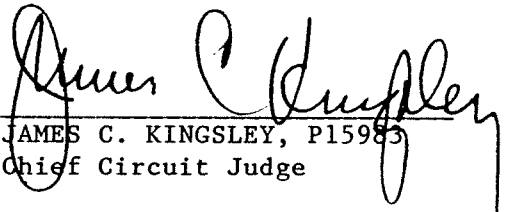
RE: Property Bonds

Page 2

4. A recent licensed and written appraisal of the property.
5. Proof of title insurance.
6. An affidavit from the register of deeds stating that there are no liens on the property.
7. If there is a mortgage on the property, a statement from the mortgage holder disclosing the amount of equity acquired on the property. Such equity must be at least equal to the amount of the face value of the bond.
8. An affidavit containing a description of the property.

If the property is accepted by the court, the surety must provide the court with an affidavit executed under oath stating that he or she is not presently a surety upon another recognizance, that there are not unsatisfied judgments or executions against him or her, or any other facts relevant to the surety's sufficiency to act as bondsperson.

Dated: 9/1/88


JAMES C. KINGSLEY, P15983
Chief Circuit Judge



Thirty-Seventh Judicial Circuit of Michigan
Calhoun County, Michigan

JAMES C. KINGSLEY
STEPHEN B. MILLER
PAUL NICOLICH

Circuit Judges

JEFFREY S. ALBAUGH
ADMINISTRATOR

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190 E. Michigan Avenue
Battle Creek, Michigan 49017-4089
616-966-1479

PROCEDURE FOR BAIL BONDSPERSONS

As required by MCLA 750.167 (b), the Judges of the Circuit Court annually compile and maintain a list of persons engaged in the business of becoming surety upon bonds for compensation in criminal cases. The law further provides that the list may be added to by the Judges "...upon proper application."

The Court has established the following procedure for compiling and maintaining the list: Pursuant to Administrative Order 1988-6, the bondsperson makes proper application to the Court Administrator, representing his or her authority to write bonds as well as any limitations on that authority. A copy of the application is forwarded to the Prosecuting Attorney by the administrator for a review of qualifications of the applicant. The Court circulates the list to the appropriate agencies in accordance with law.

Persons desiring to engage in the business of becoming surety upon bonds must apply using one of two alternatives: Either answering a comprehensive inquiry into the applicant's property, debts, encumbrances, judgments, etc.; or, a less comprehensive procedure whereby the bondsperson is backed by insurance. (See MCLA 765.20.)

Copies of the application are available from the Court Administrator's Office. All completed applications must be submitted to the Circuit Court Administrator's Office, 190 East Michigan Avenue, Battle Creek, Michigan, 49017-1489, by October 1 of each year.

JSA:trh

37TH JUDICIAL CIRCUIT OF MICHIGAN

APPLICATION FOR BONDSPERSON

All persons desiring to engage in the business of becoming surety upon bonds for compensation in criminal cases in Calhoun County shall apply pursuant to one of the two following alternatives:

ALTERNATIVE 1 - PROPERTY

1. Applicant's full name, including first, middle, and last _____

2. Any other names (or maiden name) used now or previously _____

3. Address of residence _____
4. Address of business _____
5. Social Security Number _____
6. Date of birth _____
7. Michigan driver's license number _____
8. Home Telephone Number _____
9. Business Telephone Number _____
10. Full name (first, middle, and last) of spouse, or a statement indicating you are not married _____

11. State location (addresses) where you have resided during the immediately preceding five years _____

12. Give your employment record including periods of unemployment during the past five years, beginning with the current date _____

13. Give the name or names of current employers and the amount of income you currently receive _____

14. Street address and legal description of any and all real estate in your name only, together with a statement of the assessed value (for taxes) on each parcel. Also, state what you consider the market value of such property to be _____

15. Describe any mortgage, lien, or encumbrance upon any real estate mentioned in number 14 above, indicating the amount of such mortgage, lien, or encumbrance and the name or names of the parties _____

16. Describe any and all stocks and bonds owned in your name only and the location thereof _____

17. Describe any mortgage, lien, or encumbrance upon the items mentioned in number 16 above, and the name or names of the parties there to _____

18. State that there is no pending civil or criminal case against you, or, if there is such a case or cases, describe them _____

19. If a civil action is pending against you, give the total amount of damages claimed by the opposite parties _____

20. A statement indicating whether you have ever been subject to garnishment or execution, or involved in bankruptcy proceedings. (If you have been involved in bankruptcy proceedings, attach a copy of your discharge in bankruptcy and copies of any documents to prove you now have a good business reputation, such as reference letters from current creditors) _____

21. Set forth the place of or nature of any convictions or violation of any criminal statute (not traffic violations) _____

22. Describe all savings and checking accounts, indicating the name and location of the banks or banks, the account number or numbers, and amounts on deposit

23. List all obligations, indicating the name and address of the creditor, the total amount due each creditor, and the amount and intervals of payment called for upon each obligation _____

24. List all outstanding judgments against you _____

25. Give the case name and number for any judgments against you on bail bonds you have written (whether or not the judgment has been entered and paid)

26. Describe any partnership of which you are a member _____

27. List such other personal property in your name only which you desire the Circuit Judges to consider in relation to your economic status _____

28. Provide such other information as the Circuit Judges may consider relating to your economic status _____

IF YOU HAVE COMPLETED ALTERNATIVE ONE, SKIP ALTERNATIVE TWO AND COMPLETE AFFIDAVIT.

ALTERNATIVE 2 - INSURANCE

1. Applicant' full name, first, middle, and last _____

2. Applicant's residence address _____

3. Applicant's business address _____

4. Social Security Number _____

5. Date of birth _____

6. Michigan driver's license number _____

7. Home telephone number _____

8. Business telephone number _____

9. Full name (first, middle, and last) of spouse, or a statement indicating you are not married _____

10. State the location (addresses) where you have resided during the immediately preceding five years _____

11. Name or names of employers during the last five years _____

12. Name or names of your current employer(s) and the amount of income you currently receive _____

13. State the place of and nature of any conviction(s) for violation of any criminal statute (not traffic violations) _____

14. Name and address of insurance company backing bonds you sign _____

15. Attach a power of attorney from the insurance company to you to this application.

IF YOU HAVE COMPLETED ALTERNATIVE TWO, COMPLETE AFFIDAVIT.

A F F I D A V I T

I, the undersigned applicant, being duly sworn state that all of my statements on the "Application for Bondsperson" are true. I further state that I will not sell, assign away, mortgage, or encumber any of the assets listed above without first notifying the current Chief Judge of such intent. I will at no time become obligated upon any bond in an amount in excess of that established by the Chief Judge at the time of his or her approval of my acting as a bondsperson. (This includes and applies to bonds written in Calhoun County as well as elsewhere). I authorize any bank, stock brokerage firm, or credit exchange to freely and fully disclose to the Chief Judge or his agent any information possessed by such parties regarding my assets and liabilities. I shall promptly notify the Chief Judge in writing of any change in my residence or business addresses.

NOTICE: A current application containing the above information and affidavit must be filed with the Circuit Court Administrator's Office on or before October 1 each year by persons wishing to remain on the list of approved bondspersons.

Date of Signing

Signature of Applicant

Subscribed and sworn to before me, a notary public in and for the County of _____, State of _____, this ____ day of _____, 19____.

Notary Public
My Commissioner Expires: _____
_____.

STATE OF MICHIGAN
37TH JUDICIAL CIRCUIT
ALHOUN COUNTY

PROPERTY BOND
AFFIDAVIT

CASE NO.

PEOPLE OF THE STATE OF MICHIGAN

vs

DEFENDANT

STATE OF MICHIGAN)
COUNTY OF CALHOUN) ss.

_____ residing at _____
who offers himself or herself as surety for _____ being first
duly sworn, deposes and says that he or she owns in his or her own right real estate
subject to levy of execution located in the county of _____, State
of Michigan, consisting of _____ and described as follows,
to-wit: _____; that the title to the real
estate is in his or her name only; that the value of the real estate is not less than
\$ _____ and is subject to no encumbrances whatever except _____
mortgage of \$ _____; that he or she is not surety upon any unpaid or
forfeited recognizance and that he or she is not party to any unsatisfied judgment upon
any recognizance; that he or she is worth in good property no less than \$ _____
over and above all debts, liabilities, and lawful claims against him or her and all liens,
encumbrances, and lawful claims against his or her property.

(Signature)

Subscribed and sworn to before me this
_____ day of _____, 19__.

Judge/District Court Magistrate/
Clerk of the Court

Calhoun County, Michigan.

STATE OF MICHIGAN
37TH JUDICIAL CIRCUIT
CALHOUN COUNTY

PROPERTY BOND
NOTICE OF LIEN

CASE NO.

PEOPLE OF THE STATE OF MICHIGAN

vs

Defendant

TO WHOM IT MAY CONCERN:

TAKE NOTICE that the hereinafter described real estate located in the county of _____ has been pledged for the sum of _____ dollars (\$ _____) to the people of the State of Michigan, by _____ surety upon the recognizance of _____ in a certain cause pending in _____ court for the County of Calhoun; to-wit: People of the State of Michigan, Plaintiff, vs _____ Defendant, known and identified in said court as case number _____

Description of Real Estate

Dated: _____

Deputy Clerk of the Court, For the
County of Calhoun.

STATE OF MICHIGAN
37TH JUDICIAL CIRCUIT
CALHOUN COUNTY

PROPERTY BOND
NOTICE OF DISCHARGE

CASE NO. _____

PEOPLE OF THE STATE OF MICHIGAN

vs

_____ Defendant

TO WHOM IT MAY CONCERN:

TAKE NOTICE that by order of the Judge of the _____ Court,
County of Calhoun, the recognizance of _____ as principal and
_____ as surety, given in the cause of the people of the State
of Michigan, Plaintiff, vs _____, Defendant, known and
identified as Case Number _____ in said court, is cancelled, discharged and
set aside and the lien of the people of the State of Michigan to the real estate therein
pledged as security is hereby waived, discharged and set aside.

Description of Real Estate

Dated: _____

Deputy Clerk of the _____
Court.