

DEPOSIT OF REAL ESTATE EQUITY

A PACKET OF THE BELOW LISTED FORMS MAY BE OBTAINED FROM THE CRIMINAL CLERK'S OFFICE

CR-20 – Application for Real Property Equity Bond and Declaration of Property Owner

CR-21 – Promissory Note

CR-22 – Deed of Trust

CR-23 – Order Approving Property Bond and Release of Defendant

CR-24 – Full Reconveyance (Release of Bond)

The forms required by the Court to approve a Property Bail Bond and which are not provided by the Criminal Clerk's Office are:

- A) Preliminary Title Report from a California title company dated within one week prior to application for bond.
- B) A certified copy of the current tax assessment or a recent appraisal by a qualified appraiser for the type of property.
 - a. State of California Savings and Loan Commissioner's Office
 - b. Federal National Mortgage Administration
 - c. Society of Real Estate Appraisers (Residential)
 - d. M.A.I. (Commercial, Industrial Properties). The appraisal must be in writing and must contain a statement of qualifications.

Procedure:

1. Ensure all forms are present except CR-24, file stamp and initial. Pull file, type a yellow commitment form, place in out card and send to the Judge for review and signature. The property Bail Bond packet may come to the clerk's office already signed by the Judge.
2. Once **Order Approving Property Bail Bond and Release of Defendant** is signed, the **Deed of Trust** should have been recorded (the Deed of Trust will have the County Recorder's stamp on the document). The original Deed of Trust will be mailed to Superior Court, Attn: Criminal Clerk's Office Supervisor, by the Clerk Recorders Office.
3. Original **Order Approving Release of Defendant** is filed in the Superior Court's file (be sure to seal the Judge's signature). Give attorney of record a copy of the **Order Approving Release of Defendant** and a copy of the yellow commitment form to take to the jail.
4. Record in the Bail Bond Register all information relating to the property bail bond (initials, date, defendant's name, case #, amount of bail, property bail bond).

5. The Court retains the original **Order Approving Bail Bond and Release of Defendant** (seal Judge's signature), copy of application (with attachments), copy of **Deed of Trust**.
6. The docket is noted: Property bail bond amount, date posted, initials and the date paperwork was filed in Superior Court.
7. Original forms CR-20, CR-21, CR-22 and a copy of CR-23 are filed in the Superior Court within 24 hours of the approval by the Court. May only have a copy of Deed of Trust (CR-22) because original Deed of Trust is in the Recorder's Office.

EXONERATION OF PROPERTY BAIL BOND

When the Judge of the Superior Court orders the Property Bond to be exonerated:

1. The attorney of record (or parties to the action) shall be responsible for completing a Full Reconveyance form.
2. The attorney of record (or parties to the action) shall be responsible for making an appointment with the Court Executive Officer for Superior Court so that he/she may sign Full Reconveyance form in front of Public Notary. The attorney of record (or parties to the action) shall be responsible for bringing Public Notary to appointment.
3. The attorney of record (or parties to the action) shall be responsible for submitting to the County Recorder's Office the Full Reconveyance to be recorded. Once recorded, a copy of the Full Reconveyance is to be filed with the Superior Court Clerk's Office.

PROPERTY BAIL BOND FORFEITURE

The Judge must order the property bail bond forfeited. The clerk's office shall:

1. Prepare Order of Forfeiture and have the Judge sign.
2. Prepare Summary Judgement and have the Judge sign.
3. Mail certified copy of the Order of Forfeiture and Summary Judgement to attorney of record, signer of the Deed of Trust, County Counsel, and Superior Court.

The County Counsel's Office shall prepare all the necessary documents for the sale of the property.