

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MOHAVE

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CLERK OF SUPERIOR COURT

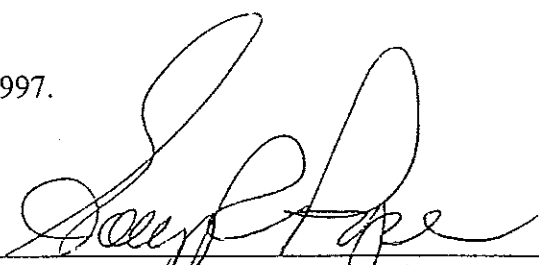
IN THE MATTER OF:)
)
ADOPTION OF A PROCEDURE FOR)
THE APPROVAL OF PROFESSIONAL)
BONDSMEN FOR THE MOHAVE)
COUNTY COURT SYSTEM)
_____)

ADMINISTRATIVE ORDER
97-19

Upon request of the Clerk of Superior Court and good cause appearing:

IT IS ORDERED the procedure outlined in the attached document be formally adopted as the procedure to be followed by the Clerk of Superior Court for approving or disapproving the posting of surety bonds by professional bondsmen in accordance with *Rule 7.1(f), Arizona Rules of Criminal Procedure.*

DATED this 21st day of October, 1997.



Hon. Gary R. Pope, Presiding Judge
Mohave County Court System

BAIL BOND PROCEDURE

The procedure is the same for each new appointment or annual renewal.

A. AFFIDAVIT

The bond agent shall file with the Clerk of the Superior Court a completed approved affidavit form, along with the statutory fee. The Clerk will provide a blank form upon request. Pursuant to Rule 7.1(f), *Arizona Rules of Criminal Procedure*, the Affidavit must certify the bond agent:

1. Is a resident of this state;
2. Has sufficient financial net worth to satisfy reasonable obligations as a surety;
3. Has not been convicted of a felony;
4. Has no judgments arising out of surety undertakings outstanding against him or her;
5. Has not, within a period of two years, violated any provisions of these rules or any court order;
6. Is currently licensed with the Arizona Department of Insurance;
7. Has filed a Power of Attorney with the Clerk.

B. POWER OF ATTORNEY

The bond agent shall file with the Clerk of the Superior Court a Power of Attorney from the corporate surety authorizing the bond agent to execute a bond in its behalf, along with the statutory fee. In some cases, a previously filed Power of Attorney may be valid since most do not have an expiration date.

C. ARIZONA DEPARTMENT OF INSURANCE

Arizona Department of Insurance (ADOI) requires that a bond agent file a Certificate of Assumed Business Name per A.R.S. §20-318. A list compiled by ADOI is sent to the Clerk regularly. Each bond agent Affidavit will be checked against this list for compliance. If not on the list, the bonding agent must provide a copy of his certificate from ADOI.

D. FORMAL APPOINTMENT

After compliance with all of the above, the Clerk shall issue a formal appointment. No new appointment or renewal will be done during non-business hours and without checking with ADOI.

E. SURETY BOND CHECK-LIST

Before a defendant is released, the Clerk, or authorized representative, shall verify that the surety bond being posted meets all of the following requirements:

1. The standard Appearance Bond form prescribed by the Arizona Rules of Criminal Procedure must be used.
2. The bond amount set by the Court must match the amount on the Surety Bond.

3. The Power of Attorney and the surety bond must reflect the same bonding company and be properly executed.
4. The Power of Attorney must be in effect at the time the appearance bond is posted.
5. The amount of the surety bond must be within the amount of the Power of Attorney.
6. The Power Number on the Power of Attorney must match the number on the appearance bond form.

F. EXONERATION OF APPEARANCE BOND

A bond agent may be relieved from liability on an appearance bond if:

1. The defendant is surrendered into the custody of the Sheriff of the county in which the prosecution is pending and the Sheriff reports the surrender to the Court. Upon such report, the Court may exonerate the bond.
2. The bond agent delivers to the Sheriff of the county in which the prosecution is pending an affidavit that states that the defendant is in the custody of the Federal government, this or any other state or any county of this or any other state. On receipt of the affidavit, the sheriff shall confirm the custodial status of the defendant and shall report this status to the Court. Upon such report, the Court may exonerate the bond.
3. The Court exonerates the bond for any reason.

G. FORFEITURE OF BOND

Upon the issuance of a warrant of arrest for the failure of a defendant to appear, the County Attorney shall initiate forfeiture proceedings against the Bond agent securing defendant's release. The bond agent shall be sent copies of all minute entries entered by the Court having to do with the bond. Such notices shall be by certified mail, return receipt requested.

Upon the entering of a signed Judgment forfeiting a surety bond, the Clerk shall notify the bond agent by certified mail of the obligation to pay the full amount of the bond within 60 days. The time shall be extended only if the bond agent can show, in writing, that reasonable efforts have been made to make payment.

The judgment shall be titled STATE OF ARIZONA Vs (DEFENDANT) and (BONDING AGENT) as Surety for purposes of recording said judgments on forfeiture.

H. REVOCATION OF APPOINTMENT

If the time has not been extended to satisfy the judgment and the 60 days has expired, the Clerk shall revoke the authority of the bond agent to post bond in Mohave County. The Clerk shall notify the bond agent in writing by certified mail of such revocation. The Clerk shall further notify all concerned parties within the county (jail, various courts, etc.,) as well as all other counties and the Arizona Department of Insurance of such revocation.

REINSTATEMENT

Upon satisfaction of judgment, the Clerk shall reinstate the authority of the bond agent to post bond in Mohave County. The Clerk shall notify the bond agent in writing by certified mail of such reinstatement. The Clerk shall further notify all concerned parties within the county (jail, various courts, etc.,) as well as all other counties and the Arizona Department of Insurance of such reinstatement.

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MOHAVE

PROFESSIONAL BOND AGENT APPOINTMENT

NOTICE is hereby given that _____
has been appointed and given the official capacity to be a professional bond agent in the
County of Mohave.

Said appointment shall expire on the _____ day of _____,
19____, unless prior to that time the appointment is either renewed or revoked by the
Clerk of Superior Court or by the Court for violation of any provision of Rule 7.1(f) of the
Arizona Rules of Criminal Procedure.

DATED this _____ day of _____, 19_____.

LINDA SEAPY
Clerk of Superior Court

By: _____
Deputy Clerk

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MOHAVE

STATE OF ARIZONA,)
Plaintiff)
Vs)
_____)
Defendant)
_____)

No. _____

APPEARANCE BOND

In accordance with the terms of a Release Order or warrant issued _____, 19____
by Judge _____ of the Mohave County Superior Court, State of Arizona, the defendant
_____ and his/her surety _____
hereby promise to pay to the State of Arizona the sum of \$ _____ in the event the
defendant fails to appear at Mohave County Superior Court at _____
_____ a.m./p.m. on the _____ day of _____, 19____, and, during the pendency of
the case, to appear to answer the charges or to submit him/herself to the orders and process of the Court having
jurisdiction of the case.

SECURITY

SECURED APPEARANCE BOND

The defendant hereby deposits with the Court cash or property of value in the full amount of this bond, the
same to be forfeited in the event he/she fails to comply with its conditions.

OR

_____ surety for the defendant, hereby
swears (or affirms) that he/she is not an attorney or person authorized to take bail, and that he/she own property in
this state (or is a resident of this state owning property) worth the amount of this bond, exclusive of property
exempt from execution and above and over all liabilities, as detailed in Attachment "A".

WARNING: If you do not appear as required, this bond may be forfeited and the proceedings will begin without
you.

ATTACHMENT A

SPECIFICATION BY SURETY OF PROPERTY CERTIFIED IN APPEARANCE BOND

_____, surety on the attached Appearance Bond certify that he/she own the following properties, subject to the stated exemptions and liabilities, and to the stated outstanding appearance bonds entered into by them:

I. PROPERTIES, LESS EXEMPTIONS AND LIABILITIES:

Items of Property:

VALUE OR AMOUNT

1) _____	\$ _____	
LESS: _____	\$ _____	
NET:		\$ _____
2) _____	\$ _____	
LESS: _____	\$ _____	
NET:		\$ _____
3) _____	\$ _____	
LESS: _____	\$ _____	
NET:		\$ _____
4) _____	\$ _____	
LESS: _____	\$ _____	
NET:		\$ _____
	TOTAL:	\$ _____

II. Other Outstanding Liabilities or Exemptions:

1. _____	\$ _____	\$ _____
2. _____	\$ _____	\$ _____
3. _____	\$ _____	\$ _____
4. _____	\$ _____	\$ _____
	TOTAL:	\$ _____

III. Other Outstanding Appearance Bonds

1. _____	\$ _____	\$ _____
2. _____	\$ _____	\$ _____

3. _____ \$ _____

4. _____ \$ _____

TOTAL:

\$ _____

\$ _____

\$ _____

IV. Total Property in Excess of Liabilities, Exemptions and
Outstanding Appearance Bonds: I - (II + III)

\$ _____