

Rule 83 - 13.03 Bonds and Other Sureties.

(A) General Requirements.

Every bond, recognizance or other undertaking required by law or Court order in any proceeding must be executed by the principal obligor or by one or more sureties qualified as provided in this rule.

(B) Unacceptable Sureties.

Employees of the Court, employees of the United States Marshals Service, any member of the bar of this Court and any employee of such member will not be accepted as surety on a cost bond, bail bond, appeal bond, or any other bond filed in this Court, except as authorized by a Judge.

(C) Corporate Surety.

A corporate surety must be approved by the United States Department of the Treasury (Circular 570) and the Missouri Department of Insurance. The Court will verify that the surety has a current active license with the Fidelity and Surety Business Authority prior to acceptance, and will not accept the surety if the license is not current and active. In all cases, a valid power of attorney showing the authority of the agent signing the bond must either be on file with the Court or attached to the bond with a tender of the required fee.

(D) Real Property Bonds.

Persons competent to convey real estate in the State of Missouri of an unencumbered value of at least the stated penalty of a bond ordered by the Court may be considered for qualification as surety by providing proof deemed sufficient by a judge showing: (1) the legal description of the real estate in a General Warranty Deed or Deed of Trust showing current ownership of the property; (2) a list of all encumbrances and liens, and balances owed; (3) a

current appraisal or other document verifying current value of the property; (4) a waiver of inchoate rights of any character and certification that the real estate is not exempt from execution; and (5) proof of payment of property taxes. If all documents are approved by the Court, the sureties on the bond must include all record owners of the real property.

(E) Cash Bonds.

Cash bonds may be deposited into the registry of the Court, but only in connection with the execution and filing of a written bond sufficient as to form and setting forth the conditions for the bond as ordered by the Court. Unless otherwise ordered by a judge, every deposit of cash bond in a criminal case must be accompanied by an affidavit of ownership, in the form required by the Court, which when filed will establish conclusively the identity of the owner of the cash to be posted as security. Bond funds will be disbursed only to the surety of record listed on the affidavit of ownership. The Court will not accept assignment of the bond to anyone other than the listed owner.

(F) Costs Bonds.

The Court on motion or on its own initiative may order any party to file an original bond for costs or additional security for costs in such an amount and so conditioned as the Court by its order may designate.

(G) Insufficiency--Remedy.

Any opposing party may raise objections to a bond's form or timeliness or the sufficiency of the surety. If the bond is found to be insufficient, the judge may order that a sufficient bond be filed within a stated time, and if the order is not complied with, the case may be dismissed for want of prosecution or the judge may take other appropriate action.

(Amended December 21, 2001, effective February 1, 2002; Amended July 10, 2006, effective August 28, 2006; Amended November 4, 2015, effective January 1, 2016; Amended September 7, 2016, effective December 1, 2016.)