

South Carolina Court Administration
South Carolina Supreme Court
Columbia, South Carolina

ROSALYN W. FRIERSON
DIRECTOR

1015 SUMTER STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1800
FAX: (803) 734-1355
E-MAIL: rfrierson@sccourts.org

MEMORANDUM

TO: Clerks of Court

FROM: Robert L. McCurdy, Assistant Director

RE: Pledging of Real Estate for Surety

DATE: April 11, 2011

Please find attached a signed Order of the Chief Justice dated April 11, 2011, approving four forms to be used in Circuit Court for pledging real estate in order to meet a surety bond on a criminal defendant. Also attached and provided below is a uniform process to be used statewide for this procedure. The forms and process were also approved by the Clerk of Court's Advisory Committee. These forms will be available in CMS in approximately one week. The forms will also be available on the Judicial Department's website and the process will be added to the Clerk of Court's Manual. I have included the following attachments:

- Order approving forms
- Instructions on the process
- Application to Pledge Real Estate for Surety Bond, SCCA/280
- Certificate of Value of Real Estate for Surety Bond, SCCA/281
- Notice of Pledge of Real Estate, SCCA/282
- Release of Pledge of Real Estate, SCCA/283

INSTRUCTIONS FOR PLEDGE OF REAL ESTATE FOR SURETY BOND

1. Property owner(s)¹ must have a title search conducted on real estate they wish to post. Search must be conducted by an attorney (member of SC Bar) searching back 62 years from the current date.

¹ All property owners must be present with picture ID and all must sign each document.

2. Property owner(s) must obtain a title of opinion letter from the attorney or a completed Certificate of Value of Real Estate for Bond. Either document must contain the Tax Map #, Legal Description of Property, and any liens, mortgages, judgments, or encumbrances. Either document must be dated the same day that it is being posted at the Clerk's Office.
3. The value of the property **must** be based upon the appraised value by the County Tax Assessor. A certified copy of the assessment roll on property must be provided to the Clerk with this documentation.
4. Property owner(s) must first complete the "Application for Pledge of Real Estate for Surety Bond," initialing the required areas on the application and signing and dating at the bottom of the document. The original signed application must be retained in the Clerk's Office.
5. Property owner(s) must complete "Notice of Pledge of Real Estate." This document and Certificate of Value for Bond/Opinion Letter from attorney must be filed by property owner with the Register of Deed's Office and pay a filing fee of \$10. Property owner(s) must bring clocked copy of documents back to the Clerk of Court for filing and pay a filing fee of \$10.
6. Property owner(s) must present documentation to appropriate judicial official for posting of bond. Property owner(s) must sign the back of "Bond Form II" in the area for surety bondsman.
7. At final disposition of the criminal case and upon proof by property owner(s) of defendant's compliance with the bond, property owner(s) must file a "Release of Pledge of Real Estate" or "Satisfaction of Judgment" with the Register of Deeds, along with a filing fee of \$5.
8. Property posted for this purpose must be located within the County in which the charges are pending. Property located in another County or out of state **is not** appropriate for such a pledge.
9. Each County Clerk may determine whether the property must be free of all encumbrances or simply have sufficient equity in the property to cover the bond.

RLM/mhb
Attachments

Cc: Magistrates
Municipal Judges

The Supreme Court of South Carolina

RE: Approval of Forms for Use in Pledging Real Estate for Surety Bond

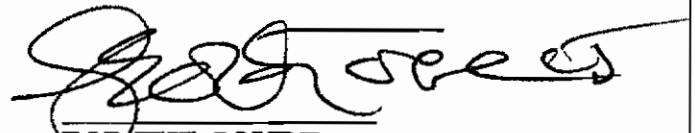
ORDER

Pursuant to the provisions of S.C. Const. Art. V, § 4,

IT IS ORDERED that the attached Form SCCA/280, Application for Pledge of Real Estate for Surety Bond, Form SCCA/281, Certificate of Value of Real Estate for Bond, SCCA/282, Notice of Pledge of Real Estate, and SCCA/283, Release of Pledge of Real Estate, all bearing a revision date of 4/2011, are hereby approved, effective immediately, for use and filing in the Circuit Courts and Registers of Deeds offices statewide for the purpose of pledging real estate for surety bonds.

These forms shall be generated locally by clerks of court and attorneys as needed on word processors and/or computers. These forms will also be available in the Office of the Clerk of Court of each county and on the South Carolina Judicial Department website at www.sccourts.org/forms.

IT IS SO ORDERED.


FOR THE COURT

April 11, 2011
Columbia, South Carolina
