

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.
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 **are 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.

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

Clerk of Court for _____ County

Application for Pledge of Real Estate for Surety Bond

1. Name of Property Owner(s): _____

2. Property Address: _____
3. Name of Defendant: _____
4. Warrant Numbers and Charges: _____

5. Bond Amount: _____
6. Charging County: _____

_____ I hereby request a "Certificate of Value of Real Estate for Bond" and "Notice of Pledge of Real Estate" forms for the purpose of using my property as surety for the above named defendant.

_____ I understand that I must retain a S.C. Bar member attorney to complete the above referenced forms for the purpose of using my property as surety for the above named defendant.

_____ I understand that should the above named defendant fail to be present when his/her case is called that I will be held responsible and may be required to go through estreatment proceedings which could result in a fine or in my loss of the above named property.

Signed: _____ (Property Owner(s))

Date: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF _____)

CERTIFICATE OF VALUE OF
REAL ESTATE FOR BOND

This is to certify that the real estate designated as: _____

(Tax Map # and Address or Common Description)

is vested in fee simple in the name of _____

Property owner(s) name(s) (must list all names)

and is situated in the County of _____, State of South Carolina, the derivation of which is a Deed from _____ (Grantor), recorded _____ (Date) in Book _____ at Page _____ in the Office of the Register of Deeds for _____ County and is more particularly described in the attached Deed. This Certificate of Value is being issued so that _____ may pledge the real

Property owner(s) name(s)

estate described herein as collateral for a surety bond in the amount of \$_____; and this is to certify that, after deducting the amount due under all liens affecting the property and not including the value of any mobile home which may be situated on the property, the value of the property is equal to at least \$_____.

I, _____, do hereby certify that the foregoing document is correct and that I have conducted a title search tracing title back 62 years from current date on said property and under penalty of law certify the property is valued at the amount listed above. I have also attached a copy of the Deed to the above mentioned property listed all parties affected by the title.

Date: _____

Signature, SC Bar #, and Address of Attorney

STATE OF SOUTH CAROLINA)
)
COUNTY OF _____)
)
 TO))
)
_____)
CLERK OF COURT OF)
_____ COUNTY OR)
HIS/HER SUCCESSOR IN OFFICE)

NOTICE OF PLEDGE

OF

REAL ESTATE

KNOW ALL MEN by these present that _____
owner, does hereby pledge their interest in and to the below described real estate to _____,
Clerk of Court for _____ County, or his/her successor in office, as collateral for the approval
of a surety bond in the amount of \$_____.
Tax Map # _____
Legal Description _____

Net Worth of Real Estate after Liens \$ _____

In consideration of the issuance of approval of surety bond(s), by _____,
Clerk of Court of _____ County, the undersigned does agree that said real estate will not be
transferred, conveyed, or encumbered without written permission by _____, Clerk of
Court for _____ County.

This pledge shall remain in force and effect until cancelled or released by instrument filed in the
Office of the Register of Deeds or Clerk of Court, whichever is applicable, for _____ County.

In the presence of:

Landowner #1

Landowner #2

Landowner #3

Landowner #4

Landowner #5

Landowner #6

Witness #1

Witness #2

PROBATE

STATE OF SOUTH CAROLINA)

COUNTY OF _____)

PERSONALLY appeared before me the undersigned witness, who being duly sworn, says that (s)he saw the within-named _____ (Property Owner), sign, seal, and deliver the within Notice of Pledge of Real Estate; and that (s)he with the other witness whose signature appears above witnessed the executions thereof.

WITNESS #1

SWORN to before me this

_____ day of _____, _____.

NOTARY PUBLIC FOR SOUTH CAROLINA (WITNESS #2)

My Commission Expires: _____.

STATE OF SOUTH CAROLINA)
)
COUNTY OF _____)

RELEASE OF
PLEDGE OF REAL ESTATE

WHEREAS, _____ pledged their property as a bond for the release of a defendant who was being held in _____ County, South Carolina, and thereby established a lien in favor of the Clerk of Court for _____ County; and

WHEREAS, the charge(s) are no longer pending against the defendant and the conditions of the bond have been fully satisfied.

KNOW ALL MEN BY THE PRESENT, that _____, Clerk of Court for _____ County, does hereby cancel and release the above referenced Pledge of Real Estate which was filed in Mortgage Book _____ at Page _____ in the Register of Deeds Office for _____ County, South Carolina.

Dated this _____ day of _____, 20_____.

Clerk of Court

Witness

Witness

STATE OF SOUTH CAROLINA)
)
COUNTY OF _____)

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within named _____, CLERK OF COURT, _____ COUNTY, sign, seal, and deliver the within executed instrument and that (s)he with _____ witnessed the execution thereof.

Witness #1

SWORN TO BEFORE ME THIS

_____ day of _____, 20_____.

Notary Public for South Carolina (Witness #2)

My commission expires _____.