

## Information Regarding Property Bonds<sup>1</sup>

If approved by the court, property bonds give defendants who do not have cash an opportunity to be released from physical custody and to guarantee their appearance at all future court hearings. Section 1298 of the California Penal Code states:

In lieu of a deposit of money, the defendant or any other person may deposit bonds of the United States or the State of California of the face value of the cash deposit required, and these bonds shall be treated in the same manner as a deposit of money or the defendant or any other person may give as security any equity in real property which he or she owns, provided that no charge is made to the defendant or any other person for the giving as security of any equity in real property. If the magistrate finds that the value of the equity is equal to twice the amount of the cash deposit required he or she shall allow the bail.

The following documents are required for posting a property bond. These documents should be received by the Office of the District Attorney and County Counsel 48 hours before they are submitted to the Superior Court's Criminal Clerk's Office.

FORM #	DOCUMENTS	REQUIREMENTS
Form CR-120	Application for Real Property Equity Bond and Declaration of Property Owner(s)	<ul style="list-style-type: none"> <li>• Legal description of property (not just the Lot Book Report) and current market value within 45 days of the hearing.</li> <li>• List of all current encumbrances, liens, and supporting documentation (within 45 days of hearing.)</li> <li>• Must be signed by all property owners (one form per owner). Signatures of owners not appearing in court must be notarized.</li> </ul> <p><small>NOTE: EQUITY (APPRAISED VALUE MINUS LIENS) MUST BE AT LEAST TWICE THE AMOUNT OF THE BAIL.</small></p>
Form CR-121	Promissory Note	<ul style="list-style-type: none"> <li>• Note must be for the full amount of bail and notarized.</li> </ul>
Form CR-122	Order Approving Property Bond	<ul style="list-style-type: none"> <li>• Fill in only case caption. Leave remainder blank.</li> </ul>
Form CR-129	Request for Copy of Notice of Default and Sale	<ul style="list-style-type: none"> <li>• Form must be completed for each property owner.</li> <li>• Use address where mail is received.</li> <li>• Attach legal description of the property.</li> </ul>
<i>No number</i>	Grant Deed/Quitclaim	<ul style="list-style-type: none"> <li>• Original or certified copy of grant deed or other instrument.</li> <li>• Copy of trust agreement, if property is held in trust. (i.e. living)</li> </ul>
<i>No number</i>	Deed of Trust with an All Purpose Acknowledgement (Civil Code 1189)	<ul style="list-style-type: none"> <li>• Name the Court Executive Officer or Court Services Administrator as the Trustee. (determined by location)</li> <li>• Name Contra Costa County as the Beneficiary.</li> <li>• List the court case number and address where the case is being heard where it states: "when recorded mail this deed to"</li> </ul>
<i>No number</i>	Current Appraisal	<ul style="list-style-type: none"> <li>• Must show fair market value within 45 days of the hearing. <ul style="list-style-type: none"> <li>▪ District Attorney's Office and Defense Counsel must mutually agree on the licensed appraiser OR</li> <li>▪ Defendant must submit three independent appraisals which the court will average.</li> </ul> </li> <li>• The appraisal must show the appraiser's name and current State of California license number.</li> </ul>
<i>No number</i>	Preliminary Title Report	<ul style="list-style-type: none"> <li>• Issued by a licensed California title company within 45 days of the hearing.</li> <li>• All property taxes must be paid.</li> <li>• The property address must include all descriptors, not just the Lot Book Report or Property Profile.</li> </ul>

<sup>1</sup> (California Penal Code Sections 1278, 1279, 1280, 1281.1 and 1298)

<i>No number</i>	Proof of insurance on property	<ul style="list-style-type: none"> <li>• All relevant insurances, including fire, property damage or destruction are required covering the full replacement value of any structures or other improvements. If a single family dwelling, a copy of the declarations page of a homeowner's policy is acceptable proof of insurance. If a condominium, also include a copy of the declarations page of the condominium complex policy.</li> <li>• All policies must be amended (and shown as amended) naming the County of Contra Costa as an additional insured.</li> </ul>
<i>No number</i>	Proof of Personal Service	<ul style="list-style-type: none"> <li>• Personally serve all documents on the prosecutor and County Counsel at least 10 days before a Courtroom hearing or 48 hours before filing an ex parte motion for consideration.</li> <li>• DA and County Counsel must be served at least 48 hours before submitting documentation to the Court.</li> <li>• File Proof of Service with the Court.</li> </ul>