

FORSYTH COUNTY SHERIFF'S OFFICE
PROPERTY BONDS PROCEDURES—CHECKLIST
OVER \$50,000

- 1. Photo I.D. of all sureties.
- 2. Completed Property Bond Application & Affidavit of All Sureties (all property owners must be present to sign the Property Bond Application & Affidavit. For example, if both a husband and wife are owners of the property then both individuals must be present to complete the application and sign the bond.
- 3. Certified Copy of Warranty Deed. (Clerk of Court's certification must be stamped within (5) business days of bond.
- 4. Certified Copy of the Security Deed (if property is encumbered).
- 5. Certified Copy of Quitclaim Deed (if applicable).
- 6. Current Year's Paid Tax Bill (or certified letter from the Tax Commissioner providing confirmation that current year's property taxes have been paid in full).
- 7. Current Year's Property Tax Assessment Notice.
- 8. Pay-off letter from Lending Institution Holding Mortgage on the property providing the amount of unpaid principal and interest owing on the mortgage. Current mortgage statement is acceptable if the statement shows the amount of unpaid principal and interest owing on the mortgage. Property encumbered with a second mortgage, tax lien, line of credit or materialman's lien may NOT be used as collateral for a property bond.)
- 9. Verify ownership of property. (A person incarcerated on felony charges may not use property in his/her name to bond out of custody. A person who is incarcerated on misdemeanor charges may use property in his/her name to bond out of custody.)
- 10. Only real property (land or homestead) may be used as collateral for property bonds. Mobile homes and automobiles are NOT accepted. If the property being considered for a bond has a mobile home located on it, only the value of the property that is real estate may be considered in determining the fair market value of the property.
- 11. Verify that the defendant in custody has no outstanding warrants or probation violations.
- 12. Multiple Properties may not be used to secure a bond.

- 13. Copy of Property Insurance Policy for improved property showing that insurance is current and has been paid through date of submission of the Property Bond Application & Affidavit.
- 14. The Value of the Unencumbered Equity in the property must be worth double the amount of the bond. To access the amount of unencumbered equity in the property, determine the fair market value of the property per the current year property tax assessment, excluding the value of any mobile home located thereon if applicable. Then Subtract the remaining balance of principal and interest owing on the mortgage/loan from the determined fair market value. This amount constitutes the amount in the property. This amount must be greater than double the bond amount. Example below:

Amount of Bond being Considered = \$ 55,000 double = \$110,000

FMV of Property per Tax Assessor = \$180,000.00

Balance on Mortgage/Loan= \$60,000.00

Unencumbered Equity Available= \$120,000.00

Property is acceptable for a bond.

- 15. Collect payment fees such as bond fee and a payment of lien filing fee is \$10.00 for the first page and \$2.00 for each additional page to be annexed and recorded. For example, if the lien to be recorded is two pages and the number of additional pages annexed to the lien is 12 pages then the amount of the recording fee will be \$36.00.
- 16. Approval of the appropriate Bond Administrator, Lieutenant, Division Commander or Sheriff, as the case may be depending on the amount of the property bond.
- 17. Bonds over \$50,000.00 must have a certified title search performed within five (5) business days of the Property Bond Application & Affidavit provided by an attorney licensed and in good standing with the State Bar of Georgia.
- 18. Bonds over \$50,000.00 can be posted for a defendant Monday through Friday during the office hours of 8:30 am to 4:30 p.m., excluding holidays, and are subject to the review and approval by the Bond Administrator. In instances where the Bond Administrator is absent, these are subject to review by one of the following: Lieutenant, Section Commander, Jail Administrator.
- 19. Out-of-County Property Bonds: When a criminal defendant is incarcerated in the Forsyth County Jail and the property being presented as collateral for his/her release on bond is located in another county, the sheriff of the county in which the property is located must make arrangements with the Forsyth County Sheriff's Office for approval of the out-of-county property bond. The Forsyth County Sheriff's office will require all-or substantially all-of the above referenced information and documentation for acceptance of the bond. The Sheriff reserves the right to reject the out-of-county bond, and may require information and/or documentation in addition to the information and documentation set forth herein above. No out-of-state property bonds will be accepted.

- 20. As soon as practical, but no later than the close of the next business day following processing of a bond and the defendant's release from the Detention Center, the Bond administrator shall file a lien against the property (entitled Affidavit Recording Criminal Appearance Property Bond) in the real estate records of the Forsyth County Superior Court, or, via mail to the Superior Court of the county in which the property is located.
- 21. All documentation received, filed of record, and/r associated with each property bond shall be properly maintained by the Bond Administrator.
- 22. Thereafter, in all cases in which a property owner utilizes his or her property as collateral for a real property bond, it shall be the responsibility of the Surety to provide the Bond Administrator with proof that the underlying criminal charges have been adjudicated to completion or otherwise disposed such that the subject defendant is no longer under an obligation to appear in court to answer the underlying criminal charges.
- 23. In instances of excessively high bonds (\$100,000 or greater) there is a greater element of risk involved with the charges and/or bond that a Judge considered relevant prior to setting the amount of the bond. Because of this reason, the valuation of real property under consideration to secure such a bond should be scrutinized closely. Real property bonds that have a value of \$100,000 must be approved by the Sheriff or by his/her designee. The Jail Administrator, or his/her designee, shall then notify the Headquarters Bureau Director of the circumstances (criminal charges, bond amount, etc.) surrounding the bond.

_____ Date _____

Forsyth County Sheriff's Office Bond Administrator or other Appropriate Personnel