

NOTICE AND EXPLANATION OF
PROCEDURES FOR APPROVAL OF
GENERAL BAIL BOND AGENTS IN CLAY COUNTY

Each General Bail Bond Agent (General Agent, hereinafter) who has done business in Clay County in the recent past, or wishes to do so in the future, should receive a copy of this information, and the accompanying forms, and be guided thereby.

Under the new procedures (since March of 1998), each General Agent will be approved to sign bail bonds up to a specified maximum amount for a single bond. This amount will be determined by the property holdings of the General Agent or the amount set by the insurer of surety qualified General Agents.

I want you to have this information well ahead of time. The need for documentation of ownership and value is different from the past. You will need some time to put it together.

The enclosed paperwork will show what is needed. Reference to Local Rule 67.1.7.

Let me call a few things to your specific attention.

Note the time for submitting the monthly affidavit application is the first business day of each month at 5:00 pm. Monthly application and qualification is a statutory requirement. Were I free to choose, it would be considerably less often.

When you gather your documentation, make extra copies. You will need to submit the same copies at least twice a year, and some of it twelve times a year.

Note that appraisals of real estate are no longer required. Nor will they be accepted. The Assessed value will control.

A WARNING to property qualified General Agents: The net value stated in Sections 18 and 22 will determine the amount of any single bond for which you will be approved. If the only property held in the sole name of the General Agent is the \$10,000.00 certificate of deposit posted with the State, the limit will be \$10,000.00 for any one bond. Property owned by others, but somehow promised for use by the General Agent if needed (value stated in Sections 20 and 24), will only be considered to justify the approval of the General Agent to sign an unlimited number of bond in the coming month.

Every General Agent has the \$10,000.00 certificate of deposit required by the State. That certificate should be listed in Section 21 with full information provided.

A further example may be helpful. A General Agent with the Statutory \$10,000.00 certificate, as well as a \$40,000.00 certificate, *in the sole name of the General Agent* , will be approved to sign a bail bond up to \$50,000.00 in amount. If \$300,000.00 worth of property has been promised by a third party for the use of the General Agent , that should justify about \$2,450,000.00 in outstanding bonds. Until it is demonstrated that a multiplier of seven is wrong, one way or the other, that will be my practice. In other words, a General Agent with property owned or promised for his use which is worth \$100,000.00 will get approval to keep signing bonds in the coming month if his outstanding bonds are under \$700,000.00. BUT, if the General Agent's solely owned property is worth only \$20,000.00, non of those outstanding bonds can be for more than \$20,000.00.

Here is the idea, if you haven't already figured it out. In the unfortunate event you have to pay a judgment on a bond, or pay a forfeiture into court to prevent a judgment from being taken against you until you have had a reasonable opportunity to produce the defendant, I want property in the amount of the bond to be immediately available for execution if the people who have promised you the use of their property do not come through for you when the time comes to voluntarily make the required payment.

The assistance and advice of an attorney to put your first affidavit application into proper form will likely be necessary, Your attorney is welcome to call me at 407-3910, or see me in person, to get clarification on what is needed. I will be glad to talk to any of you directly to clarify requirements, but I cannot give you legal advice. Some of what is required will probably require legal advice.

All of your applications will be done the same way, approval will be swift and certain, everybody will know what to expect, and ten months out of the year you will be able to submit abbreviated applications. I hope you can look past the initial expense and expenditure of time to change your procedures, and see that in the year to come, and years past that, the overall time and expense should be greatly lessened.

Judge Alexander
September 15, 2009