

*Superior Court of California, County of Contra Costa*

# **PROPERTY BOND PACKET**

What you will find in this packet:

- **Information Regarding Property Bonds (CR-126)**
- **Application/Motion for Real Property Equity Bond and Declaration of Property Owner(s) (CR-120)**
- **Promissory Note Re: Property Bond (CR-121)**
- **Request for Copy of Notice of Default and Sale (CR-129)**
- **Deed of Full Reconveyance (SAMPLE)**

***You Can Get Court Forms FREE at: [www.cc-courts.org/forms](http://www.cc-courts.org/forms)***

## 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>

# Superior Court of California, County of Contra Costa

MARTINEZ     PITTSBURG     RICHMOND     WALNUT CREEK

PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff,  
vs.  
\_\_\_\_\_  
Defendant

CASE NO.: \_\_\_\_\_

## APPLICATION/MOTION FOR REAL PROPERTY EQUITY BOND AND DECLARATION OF PROPERTY OWNER(S)

I/We, \_\_\_\_\_ declare  
Name of property owner(s)

as follows:

1. The defendant above named, having been arrested, has had bail set in the amount of \$ \_\_\_\_\_ .
2. I/We desire to post a "property bond" consisting of real estate equity pursuant to the provisions of Section 1298 of the California Penal Code.
3. I/We own real property located at \_\_\_\_\_, which has a present market value of \$ \_\_\_\_\_, the legal description of which is:
4. The property is subject to liens and encumbrances totaling \$ \_\_\_\_\_, which are listed below.

Financial statements from all persons who have liens and encumbrances against the property verifying how much is presently owed on the property and that all such obligations are current are also attached.

5. The property **has / has not** been previously qualified for such property bail bond within the prior 12 months (in the amount of \$ \_\_\_\_\_, not exonerated).
6. Attached to this declaration is an original Preliminary Title Report, a certified appraisal of the property, and proof of fire insurance showing the County of Contra Costa as an additional insured.
7. I/We agree to maintain the insurance on the property and keep all property taxes and obligations listed in paragraph four (4) current while the property bond is in force. I/We further agree not to further encumber the property without prior approval of the Court.

8. I/WE UNDERSTAND THAT IN THE EVENT THAT THE PERSON FOR WHOM THIS BOND IS TO BE POSTED FAILS TO MAKE HIS OR HER REQUIRED COURT APPEARANCE(S), I MUST PAY THE COUNTY OF CONTRA COSTA THE FULL AMOUNT OF THE BAIL.
  
9. I/We desire that the court approve this application for a "property bond" and make this declaration in support of such application. I/WE FURTHER UNDERSTAND THAT IN THE EVENT THAT THE PERSON FOR WHOM THIS BOND IS TO BE POSTED FAILS TO MAKE ANY NECESSARY COURT APPEARANCE, THE PROPERTY MAY BE SOLD TO SATISFY PAYMENT OF THE AMOUNT OF THE BAIL, PLUS INTEREST, PLUS ANY ADDITIONAL FEES OR COSTS OF FORECLOSURE.
  
10. I/We understand that if this application is granted it is my/our responsibility to record the order and deed of trust in the county where the real property is located and to pay the fees for recording the documents.
  
11. I/We understand that after recording I/we must provide proof of the recording to the Court and only upon such proof of recording being submitted to the Court, will the Court make an order to release the defendant.
  
12. I/We understand that if bail is exonerated it is my/our responsibility to prepare and submit the Request for Reconveyance to the Executive Officer or designee of the Court for signature and to submit the same to the Trustee for Reconveyance.
  
13. Attached is a Promissory Note and Deed(s) of Trust on the property in the amount of the bond, which has been previously recorded in the Office of the County Recorder of the County of

\_\_\_\_\_ .

I/We understand that I/we must pay in advance for any costs incurred or to be incurred in connection with the property bond application.

Executed at \_\_\_\_\_, California, on \_\_\_\_\_  
(city) (date)

I/We declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

\_\_\_\_\_  
 Signature of Property Owner

\_\_\_\_\_  
 Signature of Property Owner

\_\_\_\_\_  
 (Type Name)

\_\_\_\_\_  
 (Type Name)

Superior Court of California, County of Contra Costa

MARTINEZ PITTSBURG RICHMOND WALNUT CREEK

PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,
vs.
Defendant

CASE NO.:
PROMISSORY NOTE RE: PROPERTY BOND
(Penal Code Section 1298)

1. In consideration of the County of Contra Costa accepting the undertaking and pledge of security in lieu of cash bail of the undersigned in the case of the People of the State of California versus Case Number(s)

I/We (Depositor's Name(s)) herein referred to as makers, promise to pay to the County of Contra Costa its successors, and assignee, the sum of (\$).

- 2. Such payment shall be made pursuant to the provisions of Penal Code Section 1305 in the event that the said defendant, (Defendant's name)
a. appear without sufficient excuse for the proceedings outlined in Section 1305 of the Penal Code
b. answer any charge in any accusatory pleading based upon the acts supporting the complaint above mentioned, including all duly authorized amendments to said complaint, in whatever court it may be prosecuted;
c. fails to hold himself amenable to the orders and processes of the court or, fails if convicted, to appear for pronouncement of judgment or grant of probation.

3. This note is secured by a Deed of Trust executed by maker(s) in favor of the County of Contra Costa on (date). The terms of said Deed of Trust are hereby incorporated by reference herein.

In the event of suit being commenced on this note, the prevailing party shall be entitled to costs of suit, together with reasonable attorney's fees.

DATED: Signature

DATED: Signature

ALL PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA
County of

On this (day) of (month) (year), before me, a Notary Public in and for said State, personally appeared, proven to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within PROMISSORY NOTE, and acknowledged to me that they executed the same.

WITNESS my hand and official seal. (Notary's Signature)

# Superior Court of California, County of Contra Costa

MARTINEZ     PITTSBURG     RICHMOND     WALNUT CREEK

RECORDING REQUESTED BY: When recorded mail to:  Superior Court of California, County of Contra Costa Court Department # _____ P.O. Box 911 Martinez, CA 94553  ATTORNEY FOR (Name):	
PEOPLE OF THE STATE OF CALIFORNIA,   Plaintiff,  vs.  _____ Defendant	CASE NO.: _____  <b>REQUEST FOR COPY OF NOTICE OF DEFAULT AND SALE</b> (Civil Code 2924b)

In accordance with Civil Code section 2924b, request is hereby made that a copy of any notice of default and a copy of any notice of sale under the deed of trust (or mortgage) recorded \_\_\_\_\_, 20\_\_\_\_, in Book \_\_\_\_\_, page \_\_\_\_\_, records of \_\_\_\_\_, \_\_\_\_\_ County, (or filed for record with recorder's serial number \_\_\_\_\_, \_\_\_\_\_ County), California, executed by \_\_\_\_\_ as trustor (or mortgagor) in which \_\_\_\_\_, is named beneficiary (or mortgagee) and \_\_\_\_\_ is named as trustee be mailed to:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

NOTICE: A copy of any notice of default and of any notice of sale will be sent only to the address contained in this recorded request. If your address changes, a new request must be recorded.

SIGNATURE: \_\_\_\_\_

## ALL PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA  
County of \_\_\_\_\_

On \_\_\_\_\_ before me \_\_\_\_\_  
Date

NOTARY PUBLIC

\_\_\_\_\_  
Name and Title of Officer (e.g. "Jane Doe, Notary Public")

personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature of Notary Public

RECORDING REQUESTED BY

AND WHEN RECORDED, MAIL THIS DEED AND, UNLESS OTHERWISE SHOWN BELOW, MAIL TAX STATEMENT TO:

Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City, State & Zip code : \_\_\_\_\_

TITLE ORDER NO. \_\_\_\_\_ ESCROW NO \_\_\_\_\_

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### DEED OF FULL RECONVEYANCE

Whereas, \_\_\_\_\_, the Trustee \_\_\_ under the Deed of Trust dated \_\_\_\_\_, made and executed by \_\_\_\_\_ as Trustor(s) to \_\_\_\_\_ as beneficiary and recorded as Instrument No. \_\_\_\_\_, on \_\_\_\_\_, in Book \_\_\_\_\_ at Page \_\_\_\_\_ of the Office Records in the Office of the Recorder of \_\_\_\_\_ County, State of \_\_\_\_\_ having received from Beneficiary \_\_\_\_\_ under said Deed of Trust a written request to reconvey, reciting that all sums secured by said Deed of Trust have been fully paid, and said Deed of Trust and the note or notes secured thereby have been surrendered to the Trustee \_\_\_ for cancellation, do \_\_\_ hereby reconvey, without warranty, to the person or persons legally entitled thereto, all right, title and interest heretofore acquired and now held by said Trustee under said Deed of Trust, in the real property commonly know as \_\_\_\_\_ situated in the County of \_\_\_\_\_ State of \_\_\_\_\_, and more particularly described as follows:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_, as Trustee \_\_\_\_\_

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_, a Notary Public, personally appeared \_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature \_\_\_\_\_ (SEAL)

RIGHT THUMBPRINT (Optional)



- CAPACITY CLAIMED BY SIGNER(S)
- INDIVIDUAL(S)
  - CORPORATE OFFICER(S)
  - PARTNER(S)
    - LIMITED
    - GENERAL
  - ATTORNEY IN FACT
  - TRUSTEE(S)
  - GUARDIAN/CONSERVATOR
  - OTHER: \_\_\_\_\_

SIGNER IS REPRESENTING:  
Name of Person(s) or Entity(ies)

\_\_\_\_\_  
\_\_\_\_\_