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**Using This Revisable PDF Form**

1. Copies
  - a. Original – to court.
2. Prepared by clerk or magistrate or party requesting issuance of this form. However, this form may be issued only by clerk, judge, magistrate or (in criminal cases) Commonwealth's Attorney.
3. Attachments –
  - a. District court form DC-330, RECOGNIZANCE.
4. Preparation details
  - a. This form is designed to be used whenever a surety is pledging real estate and the person taking bond needs to know what is the net equity of the surety in the real estate.
  - b. The form is used when someone other than a surety bail bondsman (who represents a surety company licensed by the State Corporation Commission) or a property bail bondsman (a professional bondsman who has pledged real estate or negotiable securities in the circuit court clerk's office in obtaining his bondsman's certificate) wants to serve as a surety on a bail bond. While use of this form is not statutorily required in such circumstances, its use is highly recommended when real estate is used to determine a surety's solvency to avoid problems regarding solvency and to get written evidence under oath in the event that a surety lies about the property and a false swearing prosecution is initiated.
  - c. When the form is used, determine if any of the property owners listed in Data Element No. 1 are married. If so, the spouse not listed on this form must execute Form DC-330. Conditions of Release, Recognizance and Bond, along with the spouse listed in Data Element No. 1.

AFFIDAVIT OF SURETY

Case No. 1

2 [ ] General District Court [ ] Circuit Court

3 [ ] Juvenile & Domestic Relations District Court

The undersigned state under oath that the following is true:

4 (NAMES OF ALL OWNERS OF PROPERTY PLEDGED AS SECURITY)

5 [ ] Real Estate - fair market value \$ 7

5 ADDRESS OF REAL ESTATE

6 DESCRIPTION OF REAL ESTATE

8 [ ] Personal Property Items - fair market value \$ 9

8 DESCRIPTION OF PERSONAL PROPERTY ITEMS

Less encumbrances to title:

Loans or charge accounts - personal property \$

Mortgage or deeds of trust - real estate \$

Unpaid taxes \$

Unsatisfied judgments \$

Other surety bonds \$

Other (assessments, mechanic's liens, etc. Specify type of lien \$ 11

Total Encumbrances \$ 12

NET EQUITY \$

The undersigned further state they are the sole owners of the property, that there are no other encumbrances on the property and that no other person, group, or entity has any equity interest in the property described above.

13 NAME (PRINT OR TYPE) 14 SIGNATURE (seal)

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Acknowledged, sworn/affirmed and signed before me this day:

15 (DATE OF ATTESTATION) 16 [ ] JUDGE [ ] CLERK [ ] MAGISTRATE

FOR NOTARY PUBLIC'S USE ONLY: 17 State of [ ] City [ ] County of Acknowledged, subscribed and sworn to before me this day of , 20 NOTARY REGISTRATION NUMBER NOTARY PUBLIC (My commission expires: )

**Data Elements**

1. Case number(s) of case(s) in which bond to be posted.
2. Court jurisdiction.
3. Style of the case(s) in which bond to be posted.
4. Name of all owners of record of the real estate.
5. If solvency of surety is being determined by ownership of real estate, check this box and insert the street address of the real estate. Include tax map location if known.
6. Insert description of real estate (2 story house, 180 acre farm, etc.).
7. Fair market value of real estate if sold (actual purchase price). If unknown or uncertain, use value listed by local tax assessor.
8. If solvency of surety is being determined by ownership of personal property, check this box and insert a description of the personal property (such as 100 shares of General Electric Co. common stock).
9. Fair market value of personal property if sold (actual purchase price).
10. List amount and type of each encumbrance.
11. Total of all encumbrances.
12. Subtract the amount in Data Element No. 7 from the total of Data Element Nos. 4 and 5 to obtain this figure (the maximum amount realistically pledgeable).
13. Name of each owner listed in Data Element No. 1.
14. Signature of each owner.

To be completed by person acknowledging signatures:

15. Date of attestation.
16. Signature of person taking attestation. Check the appropriate title box.
17. If attestation taken by notary public, all enclosed fields must be completed including notary's registration number and date notary's commission expires.