

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CRUZ

SANTA CRUZ BRANCH
701 Ocean Street, Room 120
Santa Cruz, CA 95060



WATSONVILLE BRANCH
1 Second Street, Room 300
Watsonville, CA 95076

PROCEDURE TO OBTAIN APPROVAL OF A PROPERTY BOND (Penal Code § 1298)

The following information is intended to assist with the filing of an Application for Real Property Equity Bond with the Santa Cruz Superior Court.

Before a property bond may be accepted by the Court, a hearing must be held for the judge to determine the value of the equity. If the judge finds that the **value of equity is at least twice the amount of the cash deposit required**, then the bail shall be allowed.

In order to set the matter for hearing, a court date must be set with the Clerk's Office, noted on the Application form and a copy served on the District Attorney's office at least 10 days before the hearing date. When the Application and Proof of Service are returned to the Clerk the matter will be confirmed on the calendar.

Before submitting your paperwork, you will need to have the property appraised and a preliminary title report run. (see the information under items 1 (b) and (d) below).

You must submit:

1. Application for Real Property Equity Bond and Declaration of Property Owner SUPCR 302 (includes proof of service).
 - a) Must include full legal description of property as Attachment A.
 - b) Must include current appraisal showing current fair market value as Attachment B.
 - Appraisal must be dated within 30 days prior to the hearing.
 - Appraiser must be certified by the State of California Office of Real Estate Appraisers.
 - The appraiser's license number must be on appraisal.
 - c) Must list all encumbrances and liens with supporting documentation as Attachment C.
 - Equity must be twice the amount of bail required.
 - d) Must include Preliminary Title Report as Attachment D.
 - Must be from a California title company.
 - Must be dated within 30 days prior to the hearing
 - All property taxes must be paid.
 - A Lot Book Report or Property Profile is not acceptable.
 - e) Proof of insurance (Fire) as Attachment E.
 - Proof of insurance covering the replacement value of any structure or other improvements on the property. This requirement may be waived where the site value is more than ½ of the property value. If the property is a single family dwelling, a copy of the

declarations page of a homeowner's policy is acceptable proof of insurance. In the case of a condominium, the declarations page of the policy for the condominium complex will be required.

- Must show the Court (as listed on the deed of trust) as an additional insured.
2. Promissory Note SUPCR 303 with notarized signature
 3. Original completed Deed of Trust with notarized signature SUPCR 304
 4. Order Approving Property Bond and Order for Release of Defendant SUPCR 305

If the application is approved the applicant(s) will be directed to:

1. Record the original Deed of Trust with the Recorder's Office in the county in which the real property is located.
2. Submit a copy of the recorded Deed of Trust to the Clerk's Office in Room 120.
3. The Order approving Property Bond and Order for Release of Defendant SUPCR 305 will be sent to the Judge for signature.

A judge may require additional evidence in order to ascertain the true equity in the property held by the applicant(s). All costs incurred to process the property bond are the responsibility of the applicant(s).

Once the bond is exonerated, it is the responsibility of the applicant(s) to request the deed of trust be released on the property. To do so:

1. Fill out the Full Reconveyance SUPCR 306
2. Contact the Clerk's Office Room 120 to make an appointment with the Court CEO for signature.
 - This signature must be notarized. You will need to arrange and pay for a notary to be present at the appointment.
3. Record the signed Full Reconveyance with the Recorder's Office.
4. File a recorded copy of the Full Reconveyance with the Clerk's Office in Room 120.

IMPORTANT

A property bond requires that the property owner mortgage their property during the time the bond is in effect. In the event the person for whom the bond is posted fails to make any necessary court appearance, the property may be sold in order to satisfy the payment of the amount of the bond. It is suggested that the property owner consult an attorney to have their rights and obligations explained.