

BOND FORFEITURE PROCEDURES
COUNTY COURT AT LAW
EFFECTIVE OCTOBER 1, 2015

AFTER DEFENDANT FAILS TO APPEAR IN COURT:

1. Bailiff signs affidavit for non-appearance
2. Pull files of defendants that have an affidavit of non-appearance to verify the bond can be forfeited by checking the following:
 - a) Is there a Surrender in the file?
 - b) Was an Affidavit of Surety to Surrender filed and a warrant issued?
 - i) If defendant was arrested on Affidavit to Surrender warrant this bond cannot be forfeited.
 - ii) If warrant was issued but NOT executed, a recall is to be issued recalling the Affidavit to Surrender warrant and issue the Bond Forfeiture warrant. (Remember, a bond forfeiture overrides an Affidavit to Surrender when the Affidavit to Surrender warrant is still active)

AFTER BOND FORFEITURE IS FILED:

1. When forfeiture is filed bondsman will be served. Case will be set on the Scires Facias Docket after the expiration of twenty (20) days and bondsman will be notified of hearing upon filing an answer.
2. At the hearing the bondsman will be given the opportunity to sign an Agreed Judgment with the County Attorney at that time. The Agreed Judgment will be for 25% of the bond amount, court costs and expenses. The bondsman will be agreeing to that amount and waiver of right to file a remittitur or bill of review.
3. If an agreement is not signed at this time, the case will be set for hearing before the 180 day deadline.
4. At any time before the 180 day deadline and Final Judgment, the bondsman may sign an agreement with the County Attorney for the 25% of the bond, court costs, expenses and waiving the right to file a remittitur or a bill of review.
5. At the final hearing the bondsman will be given the opportunity to sign a Final Agreed Judgment for 50% of the bond amount, court costs and expenses. If an agreement has not been reached between the County Attorney and the bondsman, a Default Judgment will be rendered against the bondsman for the full amount of bond, court costs and expenses.