

## INSTRUCTIONS FOR PLEDGE OF REAL ESTATE FOR SURETY BOND

1. Property owner(s)<sup>1</sup> must have a title search conducted on real estate they wish to post. Search must be conducted by an attorney (member of SC Bar) searching back 62 years from the current date.
2. Property owner(s) must obtain a title of opinion letter from the attorney or a completed Certificate of Value of Real Estate for Bond. Either document must contain the Tax Map #, Legal Description of Property, and any liens, mortgages, judgments, or encumbrances. Either document must be dated the same day that it is being posted at the Clerk's Office.
3. The value of the property **must** be based upon the appraised value by the County Tax Assessor. A certified copy of the assessment roll on property must be provided to the Clerk with this documentation.
4. Property owner(s) must first complete the "Application for Pledge of Real Estate for Surety Bond," initialing the required areas on the application and signing and dating at the bottom of the document. The original signed application must be retained in the Clerk's Office.
5. Property owner(s) must complete "Notice of Pledge of Real Estate." This document and Certificate of Value for Bond/Opinion Letter from attorney must be filed by property owner with the Register of Deed's Office and pay a filing fee of \$10. Property owner(s) must bring clocked copy of documents back to the Clerk of Court for filing and pay a filing fee of \$10.
6. Property owner(s) must present documentation to appropriate judicial official for posting of bond. Property owner(s) must sign the back of "Bond Form II" in the area for surety bondsman.
7. At final disposition of the criminal case and upon proof by property owner(s) of defendant's compliance with the bond, property owner(s) must file a "Release of Pledge of Real Estate" or "Satisfaction of Judgment" with the Register of Deeds, along with a filing fee of \$5.
8. Property posted for this purpose must be located within the County in which the charges are pending. Property located in another County or out of state **are not** appropriate for such a pledge.
9. Each County Clerk may determine whether the property must be free of all encumbrances or simply have sufficient equity in the property to cover the bond.

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<sup>1</sup> All property owners must be present with picture ID and all must sign each document.

Clerk of Court for \_\_\_\_\_ County

Application for Pledge of Real Estate for Surety Bond

1. Name of Property Owner(s): \_\_\_\_\_  
\_\_\_\_\_
2. Property Address: \_\_\_\_\_
3. Name of Defendant: \_\_\_\_\_
4. Warrant Numbers and Charges: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. Bond Amount: \_\_\_\_\_
6. Charging County: \_\_\_\_\_

\_\_\_\_\_ I hereby request a "Certificate of Value of Real Estate for Bond" and "Notice of Pledge of Real Estate" forms for the purpose of using my property as surety for the above named defendant.

\_\_\_\_\_ I understand that I must retain a S.C. Bar member attorney to complete the above referenced forms for the purpose of using my property as surety for the above named defendant.

\_\_\_\_\_ I understand that should the above named defendant fail to be present when his/her case is called that I will be held responsible and may be required to go through estreatment proceedings which could result in a fine or in my loss of the above named property.

Signed: \_\_\_\_\_ (Property Owner(s))

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

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF \_\_\_\_\_ )

CERTIFICATE OF VALUE OF  
REAL ESTATE FOR BOND

This is to certify that the real estate designated as: \_\_\_\_\_

(Tax Map # and Address or Common Description)

is vested in fee simple in the name of \_\_\_\_\_

Property owner(s) name(s) (must list all names)

and is situated in the County of \_\_\_\_\_, State of South Carolina, the derivation of which is a Deed from \_\_\_\_\_ (Grantor), recorded \_\_\_\_\_ (Date) in Book \_\_\_\_\_ at Page \_\_\_\_\_ in the Office of the Register of Deeds for \_\_\_\_\_ County and is more particularly described in the attached Deed. This Certificate of Value is being issued so that \_\_\_\_\_ may pledge the real

Property owner(s) name(s)

estate described herein as collateral for a surety bond in the amount of \$\_\_\_\_\_; and this is to certify that, after deducting the amount due under all liens affecting the property and not including the value of any mobile home which may be situated on the property, the value of the property is equal to at least \$\_\_\_\_\_.

I, \_\_\_\_\_, do hereby certify that the foregoing document is correct and that I have conducted a title search tracing title back 62 years from current date on said property and under penalty of law certify the property is valued at the amount listed above. I have also attached a copy of the Deed to the above mentioned property listed all parties affected by the title.

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

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

Signature, SC Bar #, and Address of Attorney

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF \_\_\_\_\_ )  
 )  
TO )  
 )  
 )  
 )  
\_\_\_\_\_)  
CLERK OF COURT OF )  
\_\_\_\_\_) COUNTY OR )  
HIS/HER SUCCESSOR IN OFFICE )

NOTICE OF PLEDGE  
  
OF  
  
REAL ESTATE

KNOW ALL MEN by these present that \_\_\_\_\_,  
owner, does hereby pledge their interest in and to the below described real estate to \_\_\_\_\_,  
Clerk of Court for \_\_\_\_\_ County, or his/her successor in office, as collateral for the approval  
of a surety bond in the amount of \$\_\_\_\_\_.  
Tax Map # \_\_\_\_\_  
Legal Description \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Net Worth of Real Estate after Liens \$ \_\_\_\_\_

In consideration of the issuance of approval of surety bond(s), by \_\_\_\_\_,  
Clerk of Court of \_\_\_\_\_ County, the undersigned does agree that said real estate will not be  
transferred, conveyed, or encumbered without written permission by \_\_\_\_\_, Clerk of  
Court for \_\_\_\_\_ County.

This pledge shall remain in force and effect until cancelled or released by instrument filed in the  
Office of the Register of Deeds or Clerk of Court, whichever is applicable, for \_\_\_\_\_ County.

In the presence of:

\_\_\_\_\_  
Landowner #1

\_\_\_\_\_  
Landowner #2

\_\_\_\_\_  
Landowner #3

\_\_\_\_\_  
Landowner #4

\_\_\_\_\_  
Landowner #5

\_\_\_\_\_  
Landowner #6

\_\_\_\_\_  
Witness #1

\_\_\_\_\_  
Witness #2

PROBATE

STATE OF SOUTH CAROLINA )

COUNTY OF \_\_\_\_\_)

PERSONALLY appeared before me the undersigned witness, who being duly sworn, says that (s)he saw the within-named \_\_\_\_\_ (Property Owner), sign, seal, and deliver the within Notice of Pledge of Real Estate; and that (s)he with the other witness whose signature appears above witnessed the executions thereof.

\_\_\_\_\_  
WITNESS #1

SWORN to before me this

\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

NOTARY PUBLIC FOR SOUTH CAROLINA (WITNESS #2)

My Commission Expires: \_\_\_\_\_.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF \_\_\_\_\_)

RELEASE OF  
PLEDGE OF REAL ESTATE

WHEREAS, \_\_\_\_\_ pledged their property as a bond for the release of a defendant who was being held in \_\_\_\_\_ County, South Carolina, and thereby established a lien in favor of the Clerk of Court for \_\_\_\_\_ County; and

WHEREAS, the charge(s) are no longer pending against the defendant and the conditions of the bond have been fully satisfied.

KNOW ALL MEN BY THE PRESENT, that \_\_\_\_\_, Clerk of Court for \_\_\_\_\_ County, does hereby cancel and release the above referenced Pledge of Real Estate which was filed in Mortgage Book \_\_\_\_\_ at Page \_\_\_\_\_ in the Register of Deeds Office for \_\_\_\_\_ County, South Carolina.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Clerk of Court

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

