

\* SEE PAGE 2 BEFORE BEGINNING THESE INSTRUCTIONS\*

## INSTRUCTIONS FOR PLEDGE OF REAL ESTATE FOR SURETY BOND

1. Property owner(s)<sup>1</sup> must first complete the "Application for Pledge of Real Estate for Surety Bond" (SCCA/280), 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<sup>2</sup>. Clerk should provide property owner with blank copy of the Certificate of Value of Real Estate for Bond form (SCCA/281) and blank copy of Notice of Pledge of Real Estate form (SCCA/282).
2. Property owner(s) 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.
3. Property owner(s) must obtain from the attorney a completed Certificate of Value of Real Estate for Bond. The document must contain the Tax Map #, Legal Description of Property, and any liens, mortgages, judgments, encumbrances, and any applicable homestead exemptions. The document must be dated the same day that it is being posted at the Clerk's Office.
4. The final value of the property must be based upon the appraised value by the County Tax Assessor after deducting any liens, mortgages, judgments, encumbrances, or any applicable homestead exemptions. A certified copy of the assessment roll on property must be provided to the Clerk with this documentation.
5. Property owner(s) must complete "Notice of Pledge of Real Estate." This document and Certificate of Value for Bond from attorney must be presented to the Clerk of Court for approval. Approval of documentation must be based on the final value of the property as indicated by the Certificate of Value of Real Estate. If approved, Clerk of Court should so indicate on the "Notice of Pledge of Real Estate." Documentation must be first filed with the Register of Deeds and pay a \$10 filing fee. Property owner must take clocked copy of documents to Clerk of Court for filing and pay a \$10 filing fee.
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. Address and contact information of property owner(s) shall also be included on the bond form.
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 request that the Clerk of Court file a "Release of Pledge of Real Estate" (SCCA/283) or "Satisfaction of Judgment" with the Register of Deeds, along with a filing fee of \$5. Clerk of Court must indicate on SCCA/283, the disposition requiring the release of pledge. Solicitor or

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

<sup>2</sup> SCCA/280 is the only form in this package with the defendant's name and charges. In the case of a subsequent expungement, this will be the only document required to be destroyed.

representative must sign the document indicating their consent to the release or, in the case where the property owner is released from liability under the bond by Order of the Court, a copy of the Order.

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 shall not be used 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.

\* Before beginning this process, a bond commitment form must be obtained from the Bond Court at the Denton Center. This form must be filed with documents at the Register of Deed's office.

\* If person is incarcerated - Power of Attorney must be done to put up property \*

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" (SCCA/281) and "Notice of Pledge of Real Estate" (SCCA/282) 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.

\_\_\_\_\_ I understand that if the above named defendant fully complies with the terms and conditions of the bond through the final disposition of the criminal case, it is my responsibility to notify the Clerk of Court in order to have the lien removed from my 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 from the value of the property, as determined by the County Assessor, the amount due under all liens, mortgages, judgments, encumbrances, and any applicable homestead exemptions 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 deducting from the value of the property, as determined by the County Assessor, the amount due under all liens, mortgages, judgments, encumbrances, and any applicable homestead exemptions affecting the property and not including the value of any mobile home which may be situated on the property: \$\_\_\_\_\_

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 #3  
  
\_\_\_\_\_  
Landowner #5  
  
\_\_\_\_\_  
Witness #1

\_\_\_\_\_  
Landowner #2  
  
\_\_\_\_\_  
Landowner #4  
  
\_\_\_\_\_  
Landowner #6  
  
\_\_\_\_\_  
Witness #2

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: \_\_\_\_\_.

FOR CLERK OF COURT'S USE ONLY

I FIND THAT the application and supporting documentation for the pledging of real estate for surety is hereby  Approved in the amount of \$ \_\_\_\_\_  Disapproved.

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

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

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. Solicitor's consent required below.

WHEREAS, the Court has determined the defendant violated a condition of bond and has revoked the bond and reincarcerated the defendant, rendering the lien on the real estate posted on defendant's behalf unnecessary. Solicitor's consent required below.

WHEREAS, the surety posting such real estate moved before the Court to be relieved from the bond, pursuant to S.C. Code §38-53-50 and such motion was granted in favor of the surety. Order of Court attached.

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 *Record* Book \_\_\_\_\_ at Page \_\_\_\_\_ in the Register of Deeds Office for \_\_\_\_\_ County, South Carolina.

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

\_\_\_\_\_  
Solicitor's Consent

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

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Position with Solicitor's Office

\_\_\_\_\_  
Witness

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

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within named \_\_\_\_\_, CLERK OF COURT, \_\_\_\_\_ COUNTY, sign, seal, and deliver the within executed instrument and that (s)he with \_\_\_\_\_ witnessed the execution thereof.

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

SWORN TO BEFORE ME THIS  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public for South Carolina (Witness #2)  
My commission expires \_\_\_\_\_.