

## 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 pledge for surety bond. Title search must be conducted by an attorney, who is a member in good standing of the South Carolina Bar, searching back 62 years from the current date and property owner must furnish proof that said attorney has legal malpractice insurance with coverage in an amount equal to or greater than the amount of the surety bond for which the property is being pledged.
2. Property owner(s) must provide the Clerk's Office a copy of the title opinion from the attorney. The Title opinion must be signed by the attorney and contain the names of all owners of the property, Tax Map #, Legal Description of Property, and list any liens, mortgages, judgments, or encumbrances. The title opinion must be dated the same day that it is being posted at the Clerk's Office. Property Owner(s) must provide a current payoff amount from lienholder(s) and/or creditor(s) for any liens, mortgages, judgments or encumbrances affecting the property.
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. All property owners 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. All property owner(s) must complete and sign the "Notice of Lien" and deliver to the Clerk of court with a \$10 filing fee. The Clerk will cause the Notice of Lien to be recorded with the Register of Deed's Office.
6. All property owners must present documentation to appropriate judicial official for posting of bond. All property owners 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 pay a \$5.00 filing fee to the Clerk's Office to pay for the Clerk to file a "Release of Lien" with the Register of Deeds.
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** allowed 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 Charleston 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. Amount of Liens, Judgments and Encumbrances Against Property:
7. Tax Assessed Value of Real Estate:
8. Charging County:

\_\_\_\_\_ I hereby request "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 an attorney in good standing with the South Carolina Bar with sufficient legal malpractice insurance, with coverage in an amount equal to or greater than the amount of the surety bond for which the property is being pledged, 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-referenced property.

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

\_\_\_\_\_ To the extent permitted by law, I/we will pay all of the Clerk of Court's reasonable collection costs, including court costs and attorneys' fees, to enforce my/our obligations under this pledge. Clerk of Court or his/her successor in office may hire or pay someone else to help enforce this debt if necessary. I/We agree to also pay all of said costs and expenses incurred in pursuing said remedies and taking action to protect this security interest in the Property.

\_\_\_\_\_ If the undersigned fails to make payment for restoration or repair of the property, or for taxes, assessments, or other charges, the Clerk of Court may, but shall not be obligated to, pay for the same, and such payment by Clerk will be secured by this lien and have the same rank and priority as the principal debt secured hereby. Payments made for taxes by the Clerk of Court shall be the first lien on the property to the extent of the taxes so paid, regardless of the rank and priority of the lien.

\_\_\_\_\_ The undersigned agree they must provide sixty (60) days' written notice to Clerk of Court of any intent to remove the bond for which this real estate is pledged.

Signed:

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Property Owner(s)

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

STATE OF SOUTH CAROLINA )

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**NOTICE OF LIEN**

COUNTY OF CHARLESTON )

KNOW ALL MEN by these present that \_\_\_\_\_, Landowner(s), hereby acknowledge(s) the below-mentioned lien and pledge(s) their interest in and to the below described real estate to Julie J. Armstrong, in her capacity as Clerk of Court for Charleston County, or her successor in office, as collateral for the approval of a surety bond in the amount of \$\_\_\_\_\_. THE AFOREMENTIONED PLEDGE FOR THE SURETY BOND AMOUNT OF: \_\_\_\_\_ SHALL CONSTITUTE A LIEN UPON AND AGAINST THE BELOW DESCRIBED REAL PROPERTY IN CHARLESTON COUNTY, SOUTH CAROLINA, IN AN AMOUNT EQUAL TO THE SURETY BOND IN FAVOR OF THE CLERK OF COURT FOR CHARLESTON COUNTY:

Tax Map Number:

Legal Description:

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

To the extent permitted by law, I/we will pay all of the Clerk of Court’s reasonable collection costs, including court costs and attorneys’ fees, to enforce my/our obligations under this pledge. The Clerk of Court or his/her successor in office may hire or pay someone else to help enforce this debt if necessary. I/We agree to also pay all of said costs and expenses incurred in pursuing said remedies and taking action to protect this security interest in the Property.

If the undersigned fail(s) to make payment for restoration or repair of the property, or for taxes, assessments, or other charges, the Clerk of Court may, but shall not be obligated to, pay for the same, and such payment by the Clerk will be secured by this lien and have the same rank and priority as the principal debt secured hereby. Payments made for taxes by the Clerk shall be the first lien on the property to the extent of the taxes so paid, regardless of the rank and priority of this lien.

This pledge shall remain in force and effect until cancelled or released by instrument filed in the Office of the Register of Deeds by the Charleston County Clerk of Court’s Office. The undersigned agree they must provide sixty (60) days’ written notice to the Clerk of Court of any intent to remove the bond for which this real estate is pledged.

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Landowner #1

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Landowner #3

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Witness #1

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Landowner #2

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Landowner #4

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Witness #2

