

JUL 20 2011
FILED *ab*

BENTON & FRANKLIN COUNTIES SUPERIOR COURT
JUDICIAL RESOLUTION NO. 11-002

11-2-00001-7

This Resolution is effective on June 30, 2011, and applies to all Petitions for Justification, Petitions for Renewal and Motions to Revoke Justification filed after such date, and applies to all Surety Bonds and Property Bonds issued after said date.

- 1) **Bail Bonds.** Any person or corporation desiring to post bail bonds in the Superior Court of Benton or Franklin County shall first obtain an Order of Justification pursuant to requirements of RCW 19.72.040. There shall be a Petition and Order of Justification for each such person or corporation.
- 2) **Justification.** All petitions for an Order of Justification shall be in writing, include a proposed Order of Justification in the form attached hereto as Exhibit A, comply with provisions of GR 14, and be filed with the County Clerk. If the petitioner seeks to post bail in both Benton and Franklin County Superior Courts, an Order of Justification must be obtained from each such court. The Petition shall be accompanied by the requisite filing fee (including an ex parte fee) required for filing a civil action, and the applicable County Clerk shall assign said action a civil cause number. The Petition shall contain the following or the Petition and accompanying documents will be returned to the petitioner without being presented to the judicial officer:

a. **ALL SURETIES.**

- 1) **Types of Bonds.** A listing of all the types of bonds currently posted by the surety.
- 2) **Current Suretyship Obligations.** A current list of all suretyship obligations to all courts within the geographical limits of the Washington State, including the name of the court, the name of the defendant, the amount of the bond, and the date issued.
- 3) **Current Bond Forfeitures.** A list of the current obligations to the courts by way of bond forfeitures or other obligations incurred by the surety which have not been paid, or a verified statement that there are none.
- 4) **Presentation.** The identity and addresses of all persons who will be delivering or presenting bonds on behalf of the bonding surety.
- 5) **Washington State Tax Certificate.** A current copy of a Washington State Tax Certificate.
- 6) **Ownership.** Identify the names, addresses and dates of birth of all persons, partnerships or corporations having any ownership interest in the bonding company, or any interest in its profits.
- 7) **Jurisdictions of Operation.** A list identifying any and all jurisdictions where the surety has been authorized and/or denied authorization to write or present bonds.
- 8) **Licensing of Operation.** A copy of the license of the agency and all agents authorized to conduct business on behalf of the agency, issued by the Washington State Department of Licensing with the expiration date of the license.

- 9) **Mailing Address.** Current mailing address and daytime telephone number for the applying agency.

b. CORPORATIONS.

- 1) **Power of Attorney.**
 - (i) Names of the agents authorized to execute bonds on behalf of the surety.
 - (ii) The maximum dollar amount of any single bond which each agent is authorized to execute.
- 2) **Certificate of Authority.** A copy of the current Certificate of authority issued by the Washington State Insurance Commissioner.
- 3) **Resident Corporate Agent.**
 - (i) The name and resident agent(s) for the corporate surety in the State of Washington authorized to appear and accept service on behalf of the corporate surety.
 - (ii) A copy of the power of attorney appointing said person(s) as resident agent(s).
- 4) **Verified Financial Statement.** A copy of the most recently published financial statement of the corporate surety.
- 5) **Financial information.** The applicant must provide (1) A summary of income and expenses for the preceding two calendar years, that includes all cash inflows or other enhancements of assets of the applicant during the period from all sources, and all cash outflows or other use of assets or incurrence of liabilities during the same period from delivering or producing goods, rendering services, or carrying out other activities that constitute the applicant's business operations; and (2) a balance sheet, as of the date of the immediately preceding year-end, listing all current assets such as cash, checking accounts and savings accounts, receivables, and inventory, long-term and fixed assets such as common stock, bonds and other securities and real estate, buildings, and equipment, and intangible assets such as patents, stating the fair market value of each asset; and all liabilities such as accounts payable, accrued expenses, and long-term debt for the same period. The fair market value of all interests in real property and buildings of applicant must be substantiated by a copy of its current assessment, a comparative market analysis or appraisal.

c. INDIVIDUALS.

- 1) Individual name(s) of applicant(s).
- 2) Any aliases used by the applicant(s).
- 3) Resident address of individual applicant(s).

- 4) Business address of individual applicant(s).
 - 5) **Marital Status:** Marital status of applicant(s) and, if applicable, names(s) of spouse(s).
 - 6) **Financial Information.** The applicant must provide (1) A summary of income and expenses for the preceding two calendar years, that includes all cash inflows or other enhancements of assets of the applicant during the period from all sources, and all cash outflows or other use of assets or incurrence of liabilities during the same period from delivering or producing goods, rendering services, or carrying out other activities that constitute the applicant's business operations; and (2) a balance sheet, as of the date of the immediately preceding year-end, listing all current assets such as cash, checking accounts and savings accounts, receivables, and inventory, long-term and fixed assets such as common stock, bonds and other securities and real estate, buildings, and equipment, and intangible assets such as patents, stating the fair market value of each asset; and all liabilities such as accounts payable, accrued expenses, and long-term debt for the same period. The fair market value of all interests in real property and buildings of applicant must be substantiated by a copy of its current assessment, a comparative market analysis or appraisal.
 - 7) **Property Bond Obligations:** A current list of all property bond Obligations in the State of Washington by name of Court, name of defendant, amount of bond and date of issuance of bond.
 - 8) **Driver's License:** Driver's license number, state and expiration date.
 - 9) **Criminal History:** Provide any criminal history conviction information for each applicant or employee of applicant who will be performing services hereunder, including name of crime convicted of committing, name of court, case number, date of offense and date of conviction.
- 3) **Surety Bonds.** Persons and corporations justified as provided above, and so long as the order of justification remains in effect, may post surety bonds in the aggregate amount set forth the Order of Justification entered for said person or corporation.
- 4) **Property Bonds.** Persons and corporations justified as provided above, and so long as the order of justification remains in effect, may post property bonds, but only if:
- a. An order is entered on the record approving each bond before the bond is tendered or presented to the law enforcement agency holding the defendant in custody;
 - b. No fee, premium or other remuneration of any kind may be collected or accepted by the person or corporation seeking to post the bond before an order is entered approving the bond;
 - c. Each bond is secured by an irrevocable letter of credit from a national bank in a form approved by the Court or secured by other identified collateral, with the supporting documents listed below;

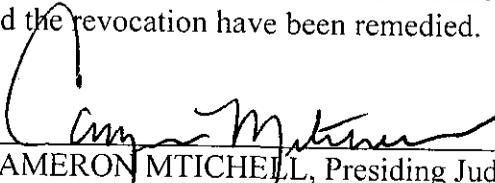
- d. A security instrument in the form approved by the Court and signed by all owners of the collateral must be submitted 10 days prior to the hearing upon the request for the order of approval is presented;
- e. If the collateral is real property, the proponent must submit 10 days prior to the hearing upon the request for the order of approval is presented: (1) an appraisal prepared by a licensed MIA certified appraiser not more than 30 days before the hearing demonstrating that the value of the real property is not less than three times the amount of the bond; (2) a policy of title insurance naming the Benton or Franklin County Clerk (as the case may be) demonstrating that the real property is unencumbered by any lien, mortgage, judgment or other encumbrance securing a monetary obligation; and a letter of an opinion signed by a licensed attorney, that may be fully relied upon by the county clerk, attesting that the security instrument is valid and enforceable and that the security instrument creates a first priority lien against the real property.
- f. If the collateral is personal property, the proponent must submit 10 days prior to the hearing upon the request for the order of approval is presented: (1) an appraisal prepared by a licensed and ISA certified appraiser not more than 30 days before the hearing demonstrating that the value of the personal property is not less than three times the amount of the bond; (2) a financing statement issued not more than 30 days before the hearing by the Department of Licensing demonstrating that the personal property is unencumbered by any lien, mortgage, judgment or other encumbrance securing a monetary obligation; and a letter of an opinion signed by a licensed attorney, that may be fully relied upon by the county clerk, attesting that the security instrument is valid and enforceable and that the security instrument creates a first priority lien against the personal property.

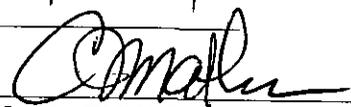
5) Duration and Renewal of Orders. All Orders of Justification shall be effective for a period of one year from the date entered. Petition for Renewals must be filed no sooner than 45 days and no later than 15 days before the expiration date of the initial Order, and an ex parte fee shall accompany Renewal Petitions. Renewal Petitions filed at other times will be considered new actions and must be accompanied with a full civil case filing fee and an ex parte fee. Petitions for Renewal shall have attached current verified financial statements as well as a complete listing of all current suretyship obligations within the geographical limits of Washington State, including the names of the courts, the names of the defendants, and the amounts of the bonds and the dates issued. Petitions for Renewal shall also include all documents required in an initial Petition for Justification. Petitions for Renewal will not be granted if there are outstanding forfeitures due.

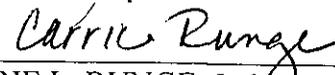
6) License Expirations: The applicable County Clerk's office will monitor the expiration dates for the appropriate licenses on file. If, during the period of justification, an applicant's business or bail bond agency licenses expire, the bond company shall be removed from the list of justified agencies and no longer allowed to post bonds until proof of a current license(s) is provided. If, during the period of justification, the bail bond agent license required by the Order of Justification expires for any of the bond company's agents, that bond agent will be removed from the list and no longer allowed to post bonds until proof of a

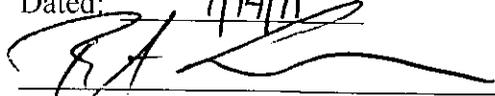
current license is provided. It will be the responsibility of the petitioner to provide current copies of licenses required with proper legal documentation.

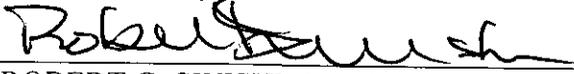
- 7) **Addition of Agents:** During the period an Order of Justification is in effect, the petitioner may add individual agents to the Order of Justification only by filing a motion to amend the order (with all documentation required by Section 2(c) above) with the applicable County Clerk's Office and obtaining an Amended Order of Justification that adds such agent to the list of authorized agents for the bail company.
- 8) **Revocation Procedure:** If an ordered forfeiture is not paid by the date specified in the order or, if no time is specified, within five (5) business days of the signed forfeiture order, a motion for revocation of the Order of Justification may be filed and Department of Licensing notified of the failure to comply with the forfeiture order. If an order revoking the Order of justification is entered, in order to post bail in the jurisdiction of the court ordering the revocation, a new Petition, with the appropriate filing fees, must be filed by Petitioner and a new Order of Justification obtained. Justification will not be granted unless the issues that caused the revocation have been remedied.

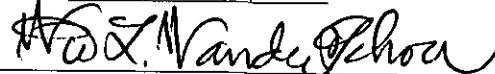

CAMERON MTICHELL, Presiding Judge
Dated: _____


CRAIG J. MATHESON, Judge
Dated: 7/6/11


CARRIE L. RUNGE, Judge
Dated: 7/14/11


BRUCE A. SPANNER, Assistant Presiding Judge
Dated: 7/5/11


ROBERT G. SWISHER, Judge
Dated: 7/14/11


VIC L. VANDERSCHOOR, Judge
Dated: 7/14/11

2) _____, _____, and _____ are authorized to deliver and/or present bonds to Superior Court of _____ County so long as each individual has on file with the _____ County Clerk's Office a copy of a valid Bail Bond Agent license.

3) Pursuant to RCW 10.19, a proper official shall approve each bond.

IT IS FURTHER ORDERED THAT _____ BAIL BONDS, shall NOT post any PROPERTY APPEARANCE BONDS in connection with any criminal matters pending in the Superior Court of _____ County except upon compliance with Paragraph 4 of Benton & Franklin Counties Superior Court Judicial Resolution No. 11-002.

IT IS FURTHER ORDERED THAT this Order of Justification shall remain in effect for one (1) year from the date below unless otherwise ordered by the court.

DONE this _____ **day of** _____, **2** _____

Judge

Petitioner _____
_____ Bail Bonds