

FEDERAL DEFENDER'S OFFICE
EASTERN DISTRICT OF CALIFORNIA - FRESNO

m e m o r a n d u m

Date: November 7, 2019
To: CJA PANEL ATTORNEYS
From: FEDERAL DEFENDER'S OFFICE – Karen Mosher & Julie Butler, Paralegals
Subject: PROPERT BOND PROCEDURES & INSTRUCTIONS

PROPERTY BOND PROCESS

The property bond process begins when a Pretrial Service Officer interviews your client to determine whether he/she can be released pretrial from custody on a property bond. If the officer determines that your client (client's family or client's friends) has real property that can be used as collateral for the property bond, the officer will hopefully recommend pretrial release to the court. The assigned judge will order pretrial release if the officer's recommendations are accepted.

The Assistant U.S. Attorney (AUSA) may strongly request detention. Your client will **only** be released **if** the judge adopts the officer's recommendations for release. You need to be aware that **if** your client violates **ANY** of the pretrial conditions of release, the property owners (sureties) **COULD** possibly and most likely will forfeit the amount of the bond or property. This is something you might want to have the court clarify in open court before you start drafting your bond paper work.

A. The Federal Defender Website

The Federal Defender for the Eastern District of California's website can be accessed at www.cae-fpd.org

Here you will find property bond information, sample documents, and checklists. **Be advised that the website instructions for FRESNO CASES are at the bottom of the document.** Though they indicate the last update was 2005, the requirements are still correct. Fresno requirements vary only slightly from Sacramento, but it would be safer to follow this portion of the directions from the outset. The forms on the internet site also have a few problems.

B. Gathering Information

Step One: Acquire a copy of the pretrial conditions of release

These are available by calling the Pretrial office, or, if the client is released, the information is available on ECF.

Step Two: Interview the property owner

Using the Background Information form from the website (sample attached) get the following information:

- Address of property to be used, (including the County)
- Residence address of the property owners (*if different from property being used*)
- Names of property owners
- Contact phone numbers
- Social security number(s) of owner(s)

Additional information to get at this time just to get a feel for what you are dealing with (though it will have to be fleshed out later) -

- Do they have an idea of what is owed on the property?
- Are they aware of any liens?
- Do they have an idea of the value of the property?
- Has the property recently been refinanced?
- Does the property have a solar lease?

****NOTE**** If your *client* owns the property but he/she is still in custody, or if the property owners are not local, you will need to locate someone (a relative, friend, etc) who can help you track down the defendant's documents, and run some other necessary errands related to the bond, as discussed below.

Step Three: Have the Property Owners (Sureties) Gather Information

1. Appraisal To show the Court the current market value of the property

The property owner must get an appraisal done on the subject property. It usually works out best if you have the client find their own appraiser and handle the financial arrangements themselves (usually in the realm of \$400-\$650).

The report must meet the following requirements:

- Be done by a *certified appraiser*;
- Contain *close view, full-frame photos of all four sides of the subject property*;

And,

- Be *at least* a "Limited Drive-by w/ 3 comparables." Any less information than what is in that report will not be sufficient. A more comprehensive appraisal is always acceptable, but will cost the client more money and is not necessary.

- Be current and performed incident to this bond packet. Past appraisals (done for a refinance, etc) will not be accepted.

****NOTE**** If you do not know of an appraiser in the county where the property is located, use the yellow pages, or, alternatively, search the internet to find a certified real estate appraiser close to the property's location.

2. Mortgage Statement(s) To show what the property owner still owes

First mortgage: If the sureties pay mortgage on the property, you will need something from their lender showing the amount they still owe. Usually the most recent mortgage statement contains this information. If not, the lender will have to be contacted for the information. Some mortgage lenders have internet web sites where the sureties can download their personal mortgage account information.

Second mortgages / Equity lines of credit: Get statements for these kinds of accounts, as with the first mortgage. Both of these are acceptable as encumbrances on the property as long as there is still sufficient equity left after they are subtracted out of the current value.

****NOTE**** An equity line of credit, *regardless of how much of it has been used*, will be counted in its full amount. *Eg:* Equity line is up to \$100,000, but owner has only used \$5,000. You must be able to subtract the \$100,000 amount from the market value and still have enough equity left.

3. Grant Deeds or Deeds of Trust To identify the legal owner(s)

A copy of the sureties' current grant deed or deed of trust on the home. *An ordinary copy will do.* If the property owner doesn't have one, they can obtain one through the County Recorder in the County where the home is located. The deed or deeds will also provide you with a legal description of the property and may also include the county assessor's APN number of the property. This may assist the title company during their limited title search. This information will be necessary for you to prepare a new deed on the property, discussed below.

4. A Title Search

****NOTE**** A property profile report (which is a free report from the title company) and a title search report *are not the same*. While the reports appear to contain the same information, the property profile report cannot act as an insurance guarantee for the property. Only the title search report can do this.

A limited title search, which is less expensive than a full title search, will suffice for your property bond purposes and costs approximately \$100, depending on the title company. You can obtain a limited title search report from any reputable title company (i.e. Fidelity Title Company, American Title Company, Stuart Title Company, Chicago Title Company.....the list goes on).

Chicago Title Company calls their limited title report a PIRT (Policy for Record Title). A PIRT (or a limited title search by other title companies) further acts as an insurance guarantee. This guarantee protects not only the title company, but protects the district court as the insured.

1. Obtain a money order (Chicago Title, for example, *does not* accept checks) from the owners made out to the title company of your choice, according to that company's price.

2. You should already have all the information you need to order the report, but each title company has somewhat different procedures. Ask the company what information is required. Once you received the funds from the owners, request the title search.

****NOTE** When you order your title report, please make sure to tell the company that the “Clerk of the United States Court of the Eastern District of California” is the name of the insured.**

In addition to showing who the property owners are, the limited title search report shows tax payments and types of exceptions, such as the 1st, 2nd or 3rd Deeds of Trust (usually 1st, 2nd or 3rd mortgages). It will also show whether there are any judgments or liens posted against the property. Keep in mind that if there are any judgments posted against the property, these *may* need to be resolved before going forward with posting the bond. You will need to review all the documentation received to determine whether the bond process can go forward.

Mechanics liens: These amounts can be subtracted from the market value, and as before, if you have the equity available, you are still okay.

Child support abstracts / Family Court abstracts: These cause more headaches than are really worth dealing with. It varies from County to County, but generally you have to get waivers signed before they will release even the amount of the lien. Our judges do not like to see these types of liens on title. If possible, have the owner clear the liens. If not, you may want to consider another property.

NOTE: Occasionally, the title report may show judgments that do not belong to the property owners. If you have any questions about the judgments and/or liens, call the title company and have them explain these exceptions to you. If after talking the sureties you feel that these exceptions were posted incorrectly, ask the title company what needs to be done in order to amend the title search.

5. Solar Leases

A copy of the solar lease contract on the property. An ordinary or emailed copy will do. You will need the full dollar amount owed should a default be taken for non-payment, regardless of where the owner is in paying off the lease.

ONCE ALL THE ABOVE IS GATHERED.....

C. It's time to do the math.

Appraised value
(MINUS)
Amount(s) owed
(MUST EQUAL OR BE GREATER THAN)

Bond amount

If you have the equity you need, continue the process. If not, **STOP**. You will have to go back to Court and ask: 1) if the amount available is acceptable, or 2) if you can use a different property, if one is available, or 3) if you can make up the difference with equity in another property.

WHEN YOU HAVE DETERMINED THERE IS ADEQUATE EQUITY:

D. Drafting the Final Documents

1. Straight Note The promissory note

(Sample available from Federal Defender office paralegals. This is NOT on the website.)

This is the promise that the property owner will pay the required amount if your client does not comply with at least one or more of the court's conditions of release.

The Straight Note must:

- be signed by all owners before a Notary Public;
- contain ALL conditions of release, both standard conditions and special conditions.

2. Deed of Trust

A new deed of trust needs to be drafted, naming the court as beneficiary.

-In the top left hand corner of the deed, type the case name and docket number.

-In the body of the deed, you need to include the following information:

- 1) names of the sureties,
- 2) the property address being posted as collateral,
- 3) trustee's name (title company),
- 4) beneficiary's name (Clerk of U.S. District Court. ED CA)
- 5) the amount of the bond set by the court.

-The signatures of the property owners must be notarized by a notary public.

-Have the property owner (or their representative) file the notarized Deed with the County Recorder in the County where the home is located, and bring you a **CERTIFIED COPY**. (Certification of the deed is non-negotiable with the Judges.)

PUTTING THE FINAL PACKAGES TOGETHER

E. Final Property Bond Packages

You will be making TWO packages. One for the US Attorney. One for the Clerk of the Judge who ordered the bond. (I *strongly* suggest a third for your file, and possibly a fourth for your client's family)

Who gets what:

Clerk Package:

1. Cover letter
2. Certified Deed of Trust (with County Recorder/Clerk's original stamp)
3. Original straight note
4. Substitution of Trustee form

United States Attorney package:

1. Cover letter
2. Copy of the Certified Deed of Trust
3. Copy of Straight Note
4. Appraisal
5. Title Report
6. Mortgage statement (and any other loan, etc against property)
7. Current deed showing ownership
8. Copy of pretrial condition of release
9. Copy of Solar Lease Contract, if applicable

Submit both packages at the same time, and send an email to the Asst. U.S. Attorney on your case to inform them you have done so. If you received a return email indicating the A.U.S.A on your case is out of the office, redirect your email to the Unit Chief, as well as a copy to the A.U.S.A's legal assistant. The U.S. Attorney has 24 hours to review the package and submit an approval memo to the Judge. Generally, you should receive an NEF e-mail from the Court advising you that the property bond was approved. If you did opt out of being notified electronically, you should receive your copy through regular U.S. mail.

F. Release

The AUSA will approve/disapprove the bond package within 24 hours of submission.

If the AUSA you are working with on the case is not available, notification of submission of the packet should be cc'd to that attorney's Unit Chief. The AUSA will notify the Clerk of his/her decision by memo. If the decision is negative, arrange a time to confer and amend the packet as needed. If the decision is positive, the judge's Courtroom Deputy, the judge will sign your client's Order of Release. A copy of the order will be delivered to the U.S. Marshal's Office. If the Marshal's Office receives the release order **before** 4:30 p.m., they should be able to fax over your client's Order of Release to the jail the same day. You might want to call the

Marshal's office to verify that they faxed the order to the jail. It has been known to happen where the deputies failed to fax over the release order until the next business day.

Once the order reaches the jail, it may still take approximately 2 to 4 hours or longer to process your client for release from the jail. If your client is released before 4:30 p.m., he or she is required to go over to the Pretrial Services Office to check in with his or her case officer. If your client is released after 4:30 p.m. in the afternoon, then he or she needs to call the Pretrial Service Office the first thing in the morning for instructions. Their office opens at 8:00 a.m. The office telephone number 559-498-7552.

Documents Published Through EDCA's CM/ECF System

- a) AUSA's Bond Approval Memo. (AUSA will submit a property bond approval memo to the Magistrate's Courtroom Deputy. (See attached copy). This memo will be the **only** document that the District Court Clerk's Office will scan into the CM/ECF system. The deed of trust and the straight note that you provided to the Court will be retained in the Court's vault until the case is completed. It will not be a public record.

SAMPLE OF STRAIGHT NOTE

STRAIGHT NOTE
(Secured by Deed of Trust)

\$ _____
(Many Thousand Dollars)

Anycity, Anystate

After date, for value received, I, _____ name of property owner _____, promise to pay on demand to the Clerk of the United States District Court, Eastern District of California, the sum of Many Thousand Dollars (\$ _____), should _____ DEFENDANT NAME _____ fail to perform any of the conditions set forth below in the case entitled *United States v. Defendant name*, Case No. _____, now on file with the Clerk of the Court for the Eastern District in Fresno, California.

The conditions discussed in the preceding paragraph are as follows: Defendant, _____ name _____, shall:

- 1) not commit any offense in violation of federal, state, or local law while on release in this case;
- 2) immediately advise the court, defense counsel, and the U.S. Attorney in writing of any change in address and telephone number; and
- 3) appear at all proceedings as ordered by the District Court and shall surrender for service of any sentence imposed as directed.

LIST ALL SPECIAL PRETRIAL CONDITIONS HERE.

I, _____ property owner name _____, shall execute or cause a bond to be executed on _____ DEFENDANT NAME _____'s behalf, or an agreement to forfeit upon failing to appear as required, the sum of money and/or designated property; specifically the \$ _____ property bond to be secured by equity in the property owned by me, _____ Property owner name _____, located at _____ complete address _____. Thereafter, on approval of the Court, _____ DEFENDANT NAME _____ will be ordered released.

Should default be made in payment of principal or interest on the property

STRAIGHT NOTE (Secured by Deed of Trust)

posted as bond, the whole sum of principal and interest shall, at the option of the holder of this note, become immediately due. Principal and interest is payable in lawful money of the United States. If action is to be instituted on this note, the prevailing party shall be entitled to such sum as deemed by the Court as reasonable attorneys fees and costs of suit. This note is secured by a Deed Of Trust which reflects that _____ TITLE Co. USED FOR TITLE REPORT _____ is the Trustee and the Clerk of the United States District Court for the Eastern District of California is the beneficiary.

PROPERTY OWNER

DATE

STATE OF CALIFORNIA)
)
COUNTY OF _____) S.S.

Signature of Trustors

On _____ before me,

a Notary Public, personally appeared

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature _____

(This area for official notarial seal)

**SAMPLE OF DEED OF TRUST
(with Court as Beneficiary)**

RECORDING REQUESTED BY

The Office of the Federal Defender

AND WHEN RECORDED MAIL TO

NAME:

ADDRESS:

CITY & STATE:

SPACE ABOVE THIS LINE FOR RECORDER'S USE

DEED OF TRUST WITH ASSIGNMENT OF RENTS AS ADDITIONAL SECURITY

This DEED OF TRUST, made this ___ day of ___, 20___, between _____,

herein called TRUSTOR, whose address is: _____,

_____ Title Company, a California Corporation, herein called TRUSTEE, and the Clerk of the United States District

Court, Eastern District Of California, herein called BENEFICIARY, Trustor irrevocably grants, transfers and assigns to Trustee in Trust,

with Power of Sale that property in the City of _____, County of _____, State of California, described as:

Together with the rents, issues and profits thereof, subject, however, to the right, power and authority hereinafter given to and conferred upon Beneficiary to collect and apply such rents, issues and profits.

For the Purpose of Securing (1) payment of the sum of \$_____.00 with interest thereon according to the terms at a promissory note or notes of even date herewith made by Trustor, payable to order of Beneficiary, and extensions or renewals thereof; (2) the performance of each agreement of Trustors incorporated by reference or contained herein or reciting it is so secured; (3) Payment of additional sums and interest thereon which may hereafter be loaned to Trustor, or her successors or assigns, when evidenced by a promissory note or notes reciting that they are secured by this Deed of Trust.

To protect the security of this Deed of Trust, and with respect to the property above described, Trustor expressly makes each and all of the agreements, and adopts and agrees to perform and be bound by each and all of the terms and provisions set forth in subdivision A of that certain Fictitious Deed of Trust referenced herein, and it is mutually agreed that all of the provisions set forth in subdivision B of that certain Fictitious Deed of Trust recorded in the book and page of Official Records in the office of the county recorder of the county where said property is located, noted below opposite the name of such county, namely:

COUNTY	BOOK	PAGE	COUNTY	BOOK	PAGE	COUNTY	BOOK	PAGE	COUNTY	BOOK	PAGE
Alameda	1288	556	Kings	858	713	Placer	1028	379	Sierra	38	187
Alpine	3	130-31	Lake	437	110	Plumes	166	307	Siskiyou	506	762
Amador	133	438	Lassen	192	367	Riverside	778	347	Solano	1287	621
Butte	1330	513	Los Angeles	T-3878	874	Sacramento	71-10-26	615	Sonoma	2067	427
Calaveras	185	338	Madera	911	136	San Benito	300	405	Stanislaus	1970	56
Colusa	323	391	Mann	1849	122	San Bernardino	6213	768	Sutter	655	585
Contra Costa	4684	1	Mariposa	90	453	San Francisco	A-804	596	Tehama	457	183
Del Norte	101	549	Mendocino	667	99	San Joaquin	2855	283	Trinity	108	595
El Dorado	704	635	Merced	1660	753	San Luis Obispo	1311	137	Tulare	2530	108
Fresno	5052	623	Modoc	191	93	Sen Mateo	4778	175	Tuolumne	177	160
Glenn	469	76	Mono	69	302	Santa Barbara	2065	881	Ventura	2607	237
Humboldt	801	83	Monterey	357	239	Santa Clara	6626	664	Yolo	769	16
Imperial	1189	701	Napa	704	742	Santa Cruz	1638	607	Yuba	398	693
Inyo	165	672	Nevada	363	94	Shasta	800	633			
Kern	3756	690	Orange	7182	18	San Diego Series 5 Book 1964, Page 149774					

shall inure to and bind the parties hereto, with respect to the property above described. Said agreements, terms and provisions contained in said subdivisions A and B, (identical in all counties) are preprinted on the following pages hereof and are by the within reference thereto, incorporated

herein and made a part of this Deed of Trust for all purposes as fully as if set forth at length herein, and Beneficiary may charge for a statement regarding the obligation secured hereby, provided the charge thereof does not exceed the maximum allowed by laws.

The undersigned Trustor requests that a copy of any notice of default and any notice of sale hereunder be mailed to her at her address hereinbefore set forth.

STATE OF CALIFORNIA

Signature of Trustor

COUNTY OF _____) S.S.

On _____ before me,

_____ a Notary Public,

personally appeared

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature _____

(This area for official notarial seal)

**SAMPLE FORM LETTERS/MEMOS
TO AUSA AND THE COURT**

**OFFICE OF THE FEDERAL DEFENDER
EASTERN DISTRICT OF CALIFORNIA
2300 TULARE STREET, SUITE 330
FRESNO, CALIFORNIA 93721-2226
(559) 487-5561 Fax: (559) 487-5950**

MEMORANDUM

DATE:

TO:

Courtroom Clerk to the Honorable : United States Magistrate Judge

FROM:

Assistant Federal Defender

SUBJECT:

U.S. v. John Doe
EDCA Dkt: 1:05-cr-0011 AWI
Supporting Documentation of \$35,000 Property Bond

Attached, please find the following documentation in support of Mr. Doe's property bond:

- 1) certified copy of recorded deed of trust
- 2) original signed straight note

Additionally, as per the court's request, please also find a *Substitution of Trustee and Full Reconveyance* to be used by the Clerk's Office upon completion of Mr. Doe's case.

Assistant U.S. Attorney David L. Gappa is in the process of reviewing all the supporting bond documentation. Upon his approval of the bond, I have asked him to submit his bond approval memo to you. If you have any questions, please contact me.

attachments

cc: David Gappa, memo w/o attachments

**OFFICE OF THE FEDERAL DEFENDER
EASTERN DISTRICT OF CALIFORNIA
2300 TULARE STREET, SUITE 330
FRESNO, CALIFORNIA 93721-2226
(559) 487-5561 Fax: (559) 487-5950**

Mr. David L. Gappa
Assistant U.S. Attorney
2500 Tulare St.
4th Floor, Rm 4-401
Fresno, CA 93721

Re: *U.S. v. John Doe*
EDCA Dkt: 1:05-cr-00011 AWI
Supporting Documentation of \$35,000 Property Bond

Dear Mr. Gappa:

The court previously ordered Mr. Doe released on an \$35,000 unsecured bond. The court also ordered Mr. Doe to substitute the unsecured bond with a \$35,000 property bond. Attached, please find documentation to support Mr. Doe's property bond.

1. Copy of certified copy of the recorded deed of trust
2. Copy of signed Straight Note
3. Copy of recent title search from Chicago Title
4. Copy of Real Estate Appraisal
5. Copy of Grant Deed
6. Copy of last mortgage statement

The attached real estate appraisal shows that, as of November 2, 2004, the Smiths' property had an estimated market value of \$195,325 - the appraisal was performed on October 31, 2004. The title search performed by Chicago Title shows that the sole exceptions to this property are the Smiths' first and second mortgages.

The Smiths currently owe approximately \$95,392 on their first mortgage and approximately \$30,325.00 on a second mortgage to Bank of America.

After taking into account the total amount currently owed in mortgage (approximately \$125,717), I believe there is ample equity (\$69,608) to support the \$35,000 property bond in this case.

Page 2

Upon approval of Mr. Doe's property bond, please forward your bond approval memo to Magistrate Court Clerk. I have already provided her with the Court's copy of the property bond package. Should you have any objections or questions regarding the attached documentation or feel you need additional information, please contact me with your concerns. Thank you for your expedited assistance in this matter.

Sincerely,

Assistant Federal Defender
Attorney for John Doe

attachments

**HELPFUL CHECK LISTS
FOR YOU AND THE PROPERTY OWNERS**

SURETIES' PROPERTY BOND CHECKLIST

The following documents are required by the court to complete the property bond package. Some of these documents will be submitted to the court and the U.S. Attorneys' Office for their records. Once all of the documents are received from you, the new Deed of Trust and Straight Note will be prepared and provided to you for the necessary signature(s) and recording in the county where the property sits.

- **GRANT DEED or DEED OF TRUST** – The Deed indicates the location of the property and who the legal owner(s) is/are of the property being posted as collateral for the property bond.
 - **MORTGAGE STATEMENT** – If a mortgage is being paid on the property, a copy of the latest mortgage statement indicating the principal owed is required.
 - **REFINANCING DOCUMENTS** – If the mortgage loan was recently refinanced, copies of the pertinent documents are required.
 - **REAL ESTATE APPRAISAL** – A “Limited Drive-By” appraisal, with three (3) comparables, indicating the current estimated market value of the property is required. This appraisal must be performed by a certified appraiser. If an appraisal has been performed within the last six (6) months, a new appraisal *may* not be necessary. The U.S. Attorneys' office *may* allow use of that appraisal.
 - **TITLE SEARCH** – The court requires a title search to be performed by a title company. This search will show whether or not there are any liens or judgments against the property.
 - **FEE FOR TITLE SEARCH** – Our office uses Chicago Title Company for title searches. If you would like assistance, we can contact Chicago Title Company for you. The fee is \$100.00, by money order, payable to Chicago Title Company.
 - **SOCIAL SECURITY NUMBERS** – Social Security Numbers will be used by the title company in performing the title search.
 - **SOLAR LEASE CONTRACT** – The lease will show the dollar amount of the contract and will be deducted from available equity in the property.
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- **DEED OF TRUST** – Our office will prepare a new Deed of Trust indicating that the U.S. District Court is the beneficiary of the property being posted as collateral. **This Deed must be signed before a notary public and recorded. A certified copy of the Deed is required to be submitted to the court.**
 - **STRAIGHT NOTE** – Our office will prepare the Straight Note, which acts as a promissory note. It states that the property owner(s) promise(s) to pay the court the entire bond amount if the court so requests. The court may request full payment if the defendant fails to perform any of the Conditions of Release as set forth in the Note.

**SUBSTITUTION OF TRUSTEE AND
REQUEST FOR FULL RECONVEYANCE**

RECORDING REQUESTED BY

The Office of the Federal Defender

AND WHEN RECORDED MAIL TO:

NAME John & Janine Doe
STREET 2345 E. White Avenue
CITY, STATE, ZIP Fresno, CA 93727

(Space above this line for Recorder's Use)

SUBSTITUTION OF TRUSTEE AND FULL RECONVEYANCE

WHEREAS, JOHN AND JANINE DOE were the original Trustees, CHICAGO TITLE COMPANY the original Trustee, and the THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA the Beneficiary, under that certain Deed of Trust dated September 1, 2004, and recorded September 9, 2004 in book 46, pages 49-50 of Plats, Official Records of the County of Fresno State of California.

WHEREAS, the undersigned beneficiary desires to substitute a new trustee under said deed of trust in place and stead of CHICAGO TITLE COMPANY, now therefore, the undersigned hereby substitutes the THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA as trustee under said deed of trust and does hereby reconvey, without warranty to the person or persons legally entitled thereto, the Estate now held by him thereunder.

DATED: _____

By: _____
(Clerk of the United States District Court for the Eastern District of California or Designated Official Representative)

STATE OF CALIFORNIA

COUNTY OF FRESNO) S.S.

On _____ before me, _____

a Notary Public in and for said County and State, personally appeared _____

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

(This area for official notarial seal)

000085

**EXONERATION OF PROPERTY BOND
AND RECONVEYANCE OF PROPERTY**

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[REDACTED]

Federal Defender

[REDACTED]

Assistant Federal Defender
Designated Counsel for Service
2300 Tulare Street, Suite 330
Fresno, California 93721-2226
Telephone: (559) 487-5561

Counsel for Defendant

[REDACTED]

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

[REDACTED]

Defendant.

Case No. 1: [REDACTED]

AMENDED APPLICATION TO EXONERATE
DEED OF TRUST WITH ASSIGNMENT OF
RENT AND TO RECONVEY TITLE OF REAL
PROPERTY; [PROPOSED] ORDER THERETO

Defendant [REDACTED] hereby requests that this court order the exoneration of the
\$ [REDACTED] Deed of Trust with Assignment of Rents currently on file with the [REDACTED] County
Recorder as Document # [REDACTED]

On October 28, 2013 a \$ [REDACTED]0 bond was ordered in the above-captioned matter, to be
secured by the property of [REDACTED]. On November 13, 2013, a Deed
of Trust with Assignment of Rents in the amount of \$ [REDACTED] was filed with the [REDACTED] County
Recorder as Document # [REDACTED] on the property of [REDACTED]. On May
13, 2014, Defendant [REDACTED] appeared in the Eastern District of [REDACTED] before Senior
District Court Judge [REDACTED], and was sentenced to [REDACTED] in the custody of the
Bureau of Prisons. (See Exhibit A). Therefore, since Defendant [REDACTED] has satisfied the
conditions of release in the Eastern District of California, he requests that the Deed of Trust
([REDACTED]) now on file with the [REDACTED] County Recorder, be exonerated and title of the real

Property described therein be reconveyed to [REDACTED].

Dated: September 25, 2014

[REDACTED]
Federal Defender

[REDACTED]

Attorney for Defendant,
[REDACTED]

ORDER

IT IS HEREBY ORDERED that the Deed of Trust with Assignment of Rents filed on [REDACTED], 2013 with the [REDACTED] County Recorder as Document [REDACTED], be exonerated and that title to the property described therein be reconveyed to [REDACTED]

DATED: September _____, 2014

BARBARA A. McAULIFFE
United States Magistrate Judge

||

Chicago Title PIRT Order Sheet

CHICAGO TITLE PIRT Service Center

PIRT® ORDER SHEET

DATE: _____ ACCT #: _____ ORDER #: _____

LENDER: _____ REF #: _____

ADDRESS: _____

ATTN: _____ PHONE: _____ FAX: _____

INSURED: Clerk of the United States Court, Eastern District of California

PIRT _____ **PROPERTY PROFILE/COMPARABLES**
 PIRT UPDATE _____ **PIRT 65**
 PIRT SUB-ESCROW _____ **FLOOD CERTIFICATE** _____ **Standard** _____ **Life of Loan**

OWNERS NAME: _____

ADDRESS: _____

CITY: _____ ZIP CODE: _____

COUNTY: _____ APN #: _____

EXISTING LIENS: _____

HOME PHONE: _____ CELL PHONE: _____ WORK PHONE: _____

SOCIAL SEC. NO.: (HIS) _____ (HERS) _____

ADDITIONAL APPRAISAL INFORMATION (for appraisal orders only)

TYPE OF STRUCTURE: _____ Single family _____ Triplex Age of House _____
_____ Duplex _____ Condo Total Rooms (excluding baths) _____

INTERIOR: _____ Living Room _____ Family Room _____ Kitchen _____ Den _____ Guest House
_____ # Bedrooms _____ # Bathrooms _____ Std. Built-ins Other _____

FIXTURES: _____ Central A/C _____ Pool _____ Spa _____ Double Garage
_____ Fireplace _____ Central Heating _____ In Ground _____ In Ground _____ Single Garage
_____ Wood Burning Stove _____ Evaporative Cooler _____ Above Ground _____ Above Ground _____ Carport
Other _____ Deck _____ Covered Patio _____ Window or Wall Heater

ADDITIONAL INFORMATION: _____

APPROX. LIVING AREA: _____ APPROX. LOT SIZE: _____

PURCHASE PRICE: _____ OWNER ESTIMATE OF CURRENT VALUE: _____

COMMENTS: _____