

Civil Surety Bonds

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Background

Civil Bonds can be posted for several reasons including:

- Motion for a Temporary Restraining Order (TRO) along with the complaint asking the court to stop some action or to seize property.
- Stay of Execution of Judgment pending appeal.
- By Statute.

Amount of Bond

Civil Bonds can be posted using alternative methods: cash, credit card, check or surety. The amount of bond is determined either by order of the court or, for supersedeas bonds, pursuant to Local Rule 62.01.

For supersedeas bonds, the Clerk’s Office must verify that the money amount listed on the surety bond agrees with the calculations set forth in the Local Rule.

Proper Bond Format

No official form exists, therefore the attorney must prepare the surety bond document. The surety bond document must include all of the following:

- Caption of the case,
- Case number,
- Correct surety amount,
- Name of insurance company underwriting the bond,
- Name/signature of attorney in fact or Surety Producer, and
- Case attorney’s signature.

The bond document must be accompanied by a valid Power of Attorney. See [Power of Attorney](#).

Submission of Bond Documents

The bond documents are proffered by the attorney into ECF for the appropriate case.

1. Bond and Power of Attorney proffered using the event:
Surety Bond Documents Proffered → Other Documents menu.
2. Clerk reviews documents to verify all requirements have been met.

Requirements for Bond Approval

The following three items must be verified and met before the bond can be approved:

- Valid Power of Attorney for Surety Producer filed with court. See [Power of Attorney](#).
- Insurance company is on the [Department of Treasury's Approved List](#) to execute bonds in South Carolina.
- S.C. Department of Insurance records verified that Surety Producer is authorized to write bonds. See - [S. C. Department of Insurance](#)

Power of Attorney

A valid Power of Attorney must be on file with the court before a Surety Producer can execute a bond for a specific insurance company.

The Power of Attorney form must bear:

- Surety Producer's name,
- Signature of an officer of the company or the attorney-in-fact or both,
- Seal of the company,
- Dollar amount which can be written, and
- Name and seal of a Notary Public.

If a valid Power of Attorney is not on file with the court, file the Power of Attorney and pay the miscellaneous case filing fee.

Note: An Officer of the insurance company is legally designated to transact business and execute documents on behalf of the insurance company and does not have to hold a Surety Producer license with the S.C. Department of Insurance.

Department of Treasury's Approved List

The insurance company must be on the Department of Treasury's Approved List to execute bonds in the U.S. District Court. To verify that the insurance company is on the list follow these steps:

STEP	ACTION
1	Access the Department of Treasury's Approved List through the Court's external website at →Attorney→Sureties-Treasury Listing.
2	Click the header for "Certified Companies" located in the middle of the page under Surety Bonds. Once the pointer for Certified Companies is engaged, an alphabetical index will appear at the bottom of the screen. The index shortens the search.
3	Review the list thoroughly. <u>Note:</u> All companies are listed under the correct alphabetical letter, but may not be in alphabetical order under the letter. Once the company is located, SC must appear in the list for the company to conduct business in our State. <u>Warning:</u> If SC does not appear on the list, the bond cannot approved.

S.C. Department of Insurance

To verify the status of a Surety Producer with the S.C. Department of Insurance follow these steps:

STEP	ACTION
1	Access the S.C. Department of Insurance website www.doi.sc.gov . -> Search SCDOI Database -> Search Individuals.
2	Verify that the Surety Producer has an active license by searching by name. <ul style="list-style-type: none">Type of license under the License Information section must indicate "Producer."
3	Click the word "Producer" under the License Information section of the screen to show a list of insurance companies.
4	Verify the insurance company on the Power of Attorney for the Bond is listed for the Surety Producer. The Status must show Active for the particular insurance company. <u>Warning:</u> If the insurance company is not listed on the S.C. Insurance Department website the bond cannot be approved.
5	Verify that the insurance company has given the Surety Producer authority to write a Surety bond. Under the Authorities header it must state that the individual has passed the Surety exam and is in Active status. <u>Warning:</u> If it does not, the bond cannot be approved.

Revision Control Log

Date	Comments	By