

## LR 65.1 - Securities and Sureties

(See Fed. R. Civ. P. 65.1)

### **LR 65.1-1 Qualifications of Sureties or Other Securities; Deposit Requirements**

#### (a) Requirements

Except for qualified corporate sureties, or as otherwise provided by statute, every bond or other security must:

- (1) Be secured by the deposit of ~~cash~~ cashier's check, certified check, or government bonds in the amount of the bond; or
- (2) Have as sureties two residents of the district, each of whom owns real or personal property within the district in excess of that exempt from execution and sufficient to justify the full amount of the surety.

#### (b) Security Provider Requirements

Except for qualified corporate sureties, before a bond or other security may be accepted, each security provider must present a verified schedule of assets and liabilities, including a statement of all other bonds and other securities on which the security provider may become liable. If the security is accepted by the Court, the schedule must be filed with the clerk.

### **LR 65.1-2 Court Officers as Sureties or Other Security Providers**

#### (a) Sureties and Other Security Providers

No clerk, marshal, or other employee of the Court - nor any member of the bar representing a party in the particular action or proceeding - will be accepted as security provider on any bond or other security in any action or proceeding.

#### (b) ~~Cash~~ Deposits by Attorneys

~~Cash~~ Deposits on bonds may be made by members of the bar on certification that the funds are the property of a specified person who has signed a surety on the bond. The deposit must be in the form of a money order, certified check, or cashier's check.

#### (c) Exoneration

Upon exoneration of the bond - and upon motion and order of Court - monies held by the clerk will be returned to that specified person.

### **LR 65.1-3 Examination of Sureties or Other Security Providers**

Any party may apply for an order requiring an opposing party to show cause why it should not be required to furnish further or different security, or requiring personal sureties to justify the full amount of the security.

<b>Amendment History to LR 65.1</b>	
<b>January 1, 2019</b>	
LR 65.1-1	In the title, added "or Other Securities" after "Sureties."
LR 65.1-1(a)	In the title, deleted "Bond" before "Requirements." In the rule text, replaced "undertaking" with "other security."
LR 65.1-1(b)	In the title, replaced "Surety" with "Security Provider." In the rule text, changed "Except for qualified corporate sureties, before a bond or undertaking may be accepted, each surety must present a verified schedule of assets and liabilities, including a statement of all other bonds and

	undertakings on which the surety may become liable" to: "Except for qualified corporate sureties, before a bond or other security may be accepted, each security provider must present a verified schedule of assets and liabilities, including a statement of all other bonds and other securities on which the security provider may become liable." In the second sentence, replaced "bond" with "security."
LR 65.1-2	In the title, added "or Other Security Providers" after "Sureties."
LR 65.1-2(a)	In the title, added "or Other Security Providers" after "Sureties." In the rule text, replaced "surety" with "security provider." Replaced "undertaking" with "security."
LR 65.1-3	In the title, added "or Other Security Providers" after "Sureties." In the rule text, replaced "surety" with "security."
<u>April 1, 2022</u>	
<u>LR 65.1-1(a)</u>	<u>Replaced "cash" with "a cashier's check, or certified check," after "deposit of."</u>
<u>LR 65.1-2(b)</u>	<u>Deleted "Cash" from subheading before "Deposits" and added "by Attorneys." Deleted "Cash" as the first word in the rule, capitalized "Deposits" and added "The deposit must be in the form of a money order, certified check, or cashier's check."</u>

