United States District Court
District of Oregon

PROCEDURE FOR CRIMINAL BONDS SECURED BY REAL PROPERTY

These procedures are to be followed in all criminal cases in which the posting or execution of a bond is required by the *Order Setting Conditions of Release* and the defendant seeks to secure that bond using real property.[1]

1. Background

Under 18 U.S.C. § 3142(a)(1) and (b), a judge is authorized to release persons on their own recognizance. A defendant released on personal recognizance promises only to make all further court appearances as required and there are no financial conditions. Alternatively, the judge may impose additional conditions for release and may order the defendant to post a financial bond. Financial bonds can be either unsecured or secured. An unsecured appearance bond is executed in an amount specified by the Court and may include the promise of a third party cosigner (*e.g.*, a family member) that the defendant will appear for all further court appearances as required. A secured appearance bond requires the posting of either real property (a "property bond") or cash (for the total amount or a percentage thereof) in an amount specified by the Court.

2. Order Setting Conditions of Release

Based on information received from the U.S. Attorney's Office, defense counsel, and Pretrial Services ("PTS"), the judicial officer will consider and order either the detention of a defendant pending trial or further hearing, or will order conditions regarding a defendant's release such that there are assurances that the defendant will appear at all requisite court proceedings, will not pose a flight risk, and will not be a danger to the community. As applicable, the proposed *Order Setting Conditions of Release* document (combining forms AO 199A, B, and C) will be prepared by PTS for consideration by the judge. Orders that impose a bond to be secured by real property are to state the dollar amount binding the defendant to appear and pay to the United States in the event of the failure to appear as required or to surrender as directed for service of any sentence imposed. Furthermore, the defendant will be required to "execute a bond or an agreement to forfeit upon failure to appear as required, and post with the Court indicia of ownership of the following sum or designated property." If immediately known, the description of the real property is to be described therein.

3. No Release Pending Compliance with the Order Setting Conditions of Release

Unless otherwise ordered by the Court, the defendant is to remain in custody pending compliance with the conditions detailed in the *Order Setting Conditions of Release*, if any, and resolution of the sufficiency of the property bond(s). The judge may schedule periodic conferences (optional) for the parties to report on the status of the efforts to comply with the conditions.

4. Equity in the Property Equal or Greater Than the Amount of the Bond

In order for the bond to be accepted, the surety must show equity in the property equal to or greater than the amount of the bond. Generally, the estimated market value of the property minus any amount of mortgage due is the equity that may be considered the collateral for the property bond. The ultimate responsibility to order an appraisal (or ascertain the property's assessed value for tax purposes) and to assemble the requisite documentation in support of the value of the property rests solely with the defendant and his/her counsel (*see* Section 5).

5. Proposed Secured Bond Package

In coordination with counsel and PTS, a defendant seeking to secure a bond using real property shall prepare a Proposed Secured Bond Package (the "Bond Package") that contains the following documents:

[1] Documents mentioned in these procedures in *italicized text* are included as attachments and are also available on the Court's Internet website at http://ord.uscourts.gov.

(a) **Surety Information Sheet** (Form AO 100B, Rev. 12/09) containing:

(1) Full legal description and street address of each and every property that will secure the bond;

(2) Names of the current owners of each property, their contact information, Social Security numbers, and employment information; and

(3) Estimated equity in the listed properties.

> ***Practice Tip:*** *The Surety Information Sheet contains personal information, including Social Security Number(s) of listed sureties. Pursuant to Fed. R. Crim. P. 49.1, counsel should prepare two versions of the document: (1) a redacted version that contains only the last four digits of any SSN(s), and (2) a version that contains the full SSN(s) to be filed with the Court under seal.*

(b) **Title Report** for each listed property dated within thirty (30) days of the date of submission of the package to the U.S. Attorney's Office. This report is to include the legal description of the real property and all known liens and encumbrances on the property.

(c) **Certificate of Title Insurance** for each listed property.

(d) **Proof of a Loss Payable Endorsement** naming the Clerk of Court for the U.S. District Court, District of Oregon as the loss payee on any insurance policies for each listed property.

(e) **Appraisal or Property Tax Assessment Information** for each listed property. Any submitted appraisal must be performed by a certified real estate appraiser dated within thirty (30) days of the date of submission of the package to the U.S. Attorney's Office. Any submitted property tax assessment must have been prepared by a state, county, or municipality for the purposes of determining the amount of property tax owed, and it must be the most current recorded assessment.

(f) **Trust Deed Securing the Appearance of the Defendant** signed and notarized for each and every property contained in the proposal. As the Trust Deed securing the appearance of the defendant is prepared, the sureties/property owners are to be the Grantor(s), the Trustee shall be "Clerk of Court for the United States District Court, District of Oregon," and the Beneficiary shall be "United States District Court, District of Oregon."

(g) **Agreement to Forfeit Real Property to Obtain a Defendant's Release** (locally adopted form based on the AO-100 form). A property bond requires the execution of an agreement to forfeit the designated property to the court should the defendant be found in contempt of court for failure to appear or otherwise comply with the conditions of release as set out by order of the Court. **Sureties/property owners posting their real property as bond need to be aware of the forfeiture risks to that property if the defendant violates any of the pretrial conditions of release.**

(h) **Proposed Certificate of Sufficiency** (locally adopted form)**,** for signature by the Assistant U.S. Attorney ("AUSA") reviewing the Secured Bond Package on behalf of the Court.

6. <u>Review by the U.S. Attorney's Office</u>

The Court relies on and generally abides by the U.S. Attorney's assessment of the documentation in support of the property bond. Prior to submission of the Bond Package to the Court, the defendant is to provide a copy of it to the AUSA assigned to the case as counsel of record. Service of the package may be done

through electronic means outside of the court's CM/ECF application or by another method (like regular mail or hand delivery) upon agreement of the parties. The AUSA shall have seven (7) calendar days from the date of receipt of the package to review and assess its contents on behalf of the Court.

The court must be assured that the property posted is legitimately available and suitable for use as security. The review by the AUSA should be done with these purposes in mind. The Bond Package may be rejected by the AUSA for lack of any required documentation as described above. The AUSA may also reject the package for lack of equity sufficient to meet the monetary amount stated in the *Order Setting the Conditions of Release*.

7. AUSA Approval of the Bond Package: Certificate of Sufficiency

Upon review and approval of the Bond Package, the AUSA shall sign and date the *Certificate of Sufficiency* document included in the package, **and** initial (where indicated on the form) the *Surety Information Sheet*. The Bond Package, Certificate of Sufficiency, and initialed Surety Information Sheet shall be promptly returned to the defendant and counsel for filing with the Court (*see* Sections 10 and 11).

8. AUSA Rejection or Non-Review of the Bond Package

> ***Practice Tip:*** *Property owners may choose to wait to record the Trust Deed until after the AUSA has approved the bond package in case it is rejected, as it may take several weeks to complete a reconveyance of that property from the Clerk of Court back to the property owners.*

The AUSA shall have seven (7) calendar days from the date of receipt of the package to review and assess its contents on behalf of the Court. If the AUSA finds any fault, error, or insufficiencies in the documentation or equity in the property, he/she must notify the defense attorney and describe those problems and issues within seven (7) calendar days from the date of receipt of the Bond Package. The defendant should attempt to comply with or correct the findings, and submit the revised Bond Package to the AUSA for review. If the defendant disagrees with the findings made by the AUSA, he/she may move the Court for an order to show cause as to why the bond and/or documentation are insufficient. In the event that the AUSA fails to respond or object to the proposed bond package within seven (7) days of its receipt for review, the defendant may move the Court for an order to show cause why it should not accept the bond without a signed *Certificate of Sufficiency* and/or initialed *Surety Information Sheet* (*see* Section 9).

9. Motion for Order to Show Cause Following Rejection by AUSA

If the AUSA, following review of the Secured Bond Package and notice to the defendant and counsel of the reasons therefor, refuses or declines to sign a *Certificate of Sufficiency* and/or initial the *Surety Information Sheet*, and if the defendant chooses to proceed with posting of the bond, he/she may file a motion for an order to show cause stating why the bond should not be accepted by the Court. Pertinent documents, including those copies reviewed as the Bond Package by the AUSA, should be included as exhibits to the motion. The Court may choose to grant the defendant's motion and hold further hearing or briefing on the matter, or may deny the defendant's request. If, after consideration, the Court finds the Bond Package to be sufficient to ensure the defendant's appearance in court as required by the conditions of release, it may order that the defendant be released following the recordation of the Trust Deed securing the appearance of the defendant (as noted in Section 10) and following the filing of the Bond Package documentation with the Clerk of Court (*see* Section 11). If the Court does not approve of the Bond Package, absent other order, the Court may issue a detention order for the defendant to remain in custody.

> ***Practice Tip:*** *The parties are strongly encouraged to actively and in good faith attempt to resolve the insufficiencies and differences in completing the bond before those matters are brought to the Court's attention.*

10. Recording the Trust Deed Securing the Appearance of the Defendant

Either prior to, or concurrently with the filing of the Bond Package with the Court, the executed Trust Deed securing the appearance of the defendant shall be recorded in the designated records office for the county in which the property is located, pursuant to the real estate laws in that state (*see* the Practice Tip in Section 6). Following the recordation of the Trust Deed, it is to be returned (as indicated on the form) to the Office of the Clerk, United States District Court, District of Oregon.

Failure by the defendant, surety, or property owner to record the Trust Deed properly as indicated herein, shall be an immediate cause for the Court to order that the defendant be detained pending further hearing or order.

11. Filing the Bond Package with the Court

Following the recordation of the executed Trust Deed(s), or concurrently with the submission of the Trust Deed for recording in the designated records office (*see* Section 10), the defendant shall present for filing the completed Bond Package to the Clerk's Office. The following executed documents (as previously described in Section 5 above) are to be included:

(a) **Surety Information Sheet** (*see* the Practice Tip in Section 5);

(b) **Title Report** for each listed property;

(c) **Certificate of Title Insurance** for each listed property;

(d) **Proof of a Loss Payable Endorsement;**

> ***Practice Tip:*** *If the original document (following recordation) is still in transit at the time the Bond Package is presented to the Court for filing, a copy of the signed and notarized Trust Deed may be presented to the Court. Alternatively, most recording offices will allow you to retain the original so that you may file it with the Bond Package.*

(e) **Appraisal or Property Tax Assessment Information** for each listed property;

(f) **Trust Deed Securing the Release of the Defendant**, signed and notarized, for each and every property contained in the proposal;

(g) **Agreement to Forfeit Property to Obtain a Defendant's Release,** signed and notarized for each and every property contained in the proposal; and

(h) **Certificate of Sufficiency** signed by the AUSA; ***OR*** order or reference to the court order that granted the defendant's motion to file the Secured Bond Package without the approval of the AUSA or an executed *Certificate of Sufficiency*.

12. Notice of Compliance with Pre-Release Conditions and Order of Release

Following the filing of the completed Bond Package and after confirmation that all conditions of release have been met, the Court will issue a *Notice of Compliance with Conditions of Release and Order to Release* the defendant. The Clerk of Court will serve a copy of this order on the U.S. Marshals Office so that the defendant may be released after processing. Unless otherwise ordered by the Court, the defendant shall remain in custody pending the resolution of the sufficiency of the property bond.

13. Exoneration of the Bond

Upon the resolution of the case, or at any time after the conditions of the order requiring the bond have been met or rendered moot, the defendant or surety who recorded the Trust Deed(s) and filed the Bond Package may file a *Motion for Exoneration of the Bond and Order for Reconveyance of the Real Property.* Upon

receipt of an order granting the motion, the defendant or surety is to present the necessary reconveyance documents for each property held in trust to the Clerk of Court for signature. Parties are expected to record the reconveyance documents.

14. <u>Computing Time</u>

The counting of days in reference to any deadlines in these procedures shall conform to the guidelines of Fed. R. Crim. P. 45. This includes extensions of time due to manner of service (*see* Fed. R. Crim. P. 45(c)).

15. <u>Attached Forms and Examples</u>

(a) Order Setting Conditions of Release;

(b) Surety Information Sheet;

(c) Agreement to Forfeit Real Property;

(d) Certificate of Sufficiency;

(e) Motion for Order to Show Cause;

(f) Notice of Compliance with Pre-Release Conditions and Order of Release;

(g) Order of Detention; and

(h) Motion for Exoneration of Bond and Order for Reconveyance of Real Property.

UNITED STATES DISTRICT COURT

for the

United States of America v. _____ *Defendant*	)))))	Case No.

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

(1) The defendant must not violate federal, state, or local law while on release.

(2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.

(3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.

(4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: _____
Place

_____

on _____
Date and Time

If blank, defendant will be notified of next appearance.

(5) The defendant must sign an Appearance Bond, if ordered.

ADDITIONAL CONDITIONS OF RELEASE

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

( ) (6) The defendant is placed in the custody of:
Person or organization _____
Address *(only if above is an organization)* _____
City and state _____ Tel. No. _____
who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: _____ _____
Custodian *Date*

( ) (7) The defendant must:

( ) (a) submit to supervision by and report for supervision to the _____ , telephone number _____ , no later than _____ .

( ) (b) continue or actively seek employment.

( ) (c) continue or start an education program.

( ) (d) surrender any passport to: _____

( ) (e) not obtain a passport or other international travel document.

( ) (f) abide by the following restrictions on personal association, residence, or travel: _____

( ) (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: _____

( ) (h) get medical or psychiatric treatment: _____

( ) (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes: _____

( ) (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

( ) (k) not possess a firearm, destructive device, or other weapon.

( ) (l) not use alcohol ( ) at all ( ) excessively.

( ) (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

( ) (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

( ) (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

( ) (p) participate in one of the following location restriction programs and comply with its requirements as directed.

( ) (i) **Curfew.** You are restricted to your residence every day ( ) from _____ to _____ , or ( ) as directed by the pretrial services office or supervising officer; or

( ) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or

( ) (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.

( ) (q) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.

( ) You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or supervising officer.

( ) (r) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

( ) (s) _____

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a $250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

(1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than $250,000 or imprisoned for not more than 10 years, or both;
(2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than $250,000 or imprisoned for not more than five years, or both;
(3) any other felony – you will be fined not more than $250,000 or imprisoned not more than two years, or both;
(4) a misdemeanor – you will be fined not more than $100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

_____
Defendant's Signature

_____
City and State

Directions to the United States Marshal

( ) The defendant is ORDERED released after processing.
( ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: _____

_____
Judicial Officer's Signature

_____
Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL

UNITED STATES DISTRICT COURT

for the

United States of America v. _____ *Defendant*	)))))	Case No.

SURETY INFORMATION SHEET

(Under Fed. R. Crim. P. 49.1, this form may only be filed in court if redacted or under seal.)

Use a separate information sheet for each surety.
Attach photocopies of two pieces of personal identification, including at least one picture i.d. for each.

Surety information:

Name: _____

Date of birth: _____ Social Security No.: _____

Immigration status: _____ Alien Registration No.: _____

Home address: _____

_____ Home/cell phone No(s).: _____

Employer's name: _____

Employer's address: _____

_____ Monthly salary *(gross)*: $ _____

Work phone No.: _____ Length of employment: _____ ❐ months ❐ years

Source of additional income *(if applicable)*: _____

Amount of additional income *(if applicable)*: _____

Real property owned by surety ***(if more than one piece of property, please use additional sheets)*:**

Address: _____

Value: $ _____ Equity in property: $ _____ Are payments/taxes current? ❐ Yes ❐ No

Any holders of trust deeds: _____

Is proof of surety's title to property attached? ❐ Yes ❐ No Appraisal? _____

AUSA: _____ *(initials)* **Surety:** _____ *(initials)*

Affidavit by Owner of Cash Security

(Complete if applicable)

I, _____ , declare that the $ _____ cash deposited as security on the foregoing bond is owned by me and is to be returned to me at the address listed on page one of this information sheet upon exoneration of this bond. I subject these funds to the provisions of any applicable local court rule and agree that in case of default or willful contempt of court on the part of the principal, the court may, upon at least 14 days notice to me, summarily render judgment against the cash security.

Justification of Surety and Surety Agreement

I, _____ , declare under penalty of perjury, that my net worth is $ _____ and that I have read and understand this two-page information sheet. I further understand that by signing the appearance bond and this information sheet, I will be responsible for the defendant's appearances in court and the defendant's compliance with all conditions of release as ordered by the court. If the defendant does not appear or comply with the conditions of release, I will be required to pay the amount of the bond, any security I have posted may be taken by the Government, and a judgment may be entered against me. If judgment is entered against me, a judgment lien will be filed with the county recorder in all appropriate counties for the full amount of the bond.

I declare under penalty of perjury that all information contained in this bond and on this surety information sheet is true.

Date: _____

_____

Surety's signature

Signed before me.

_____

Signature of witness to surety's signature

_____

Printed name of witness to surety's signature

_____

Address of witness to surety's signature

AUSA: _____ *(initials)* **Defendant's Attorney:** _____ *(initials)*

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UNITED STATES DISTRICT COURT

District of Oregon

United States of America	)	
v.	)	
	)	Case No.
	)	
Defendant	)	

AGREEMENT TO FORFEIT REAL PROPERTY TO OBTAIN A DEFENDANT'S RELEASE

To obtain the defendant's release, we jointly and severally agree to forfeit the following property if this defendant fails to appear as required for any court proceeding or for the service of any sentence imposed as may be noticed or ordered by any court considering this matter, or fails to comply with any conditions of release set by the Court.

(describe property and any claim, lien, mortgage, or other encumbrance on it):

Ownership. We declare under penalty of perjury that we are this property's sole owners and that it is not subject to any claim, lien, mortgage, or other encumbrance except as disclosed above. We promise not to sell, mortgage, or otherwise encumber the property, or do anything to reduce its value while this agreement is in effect. We deposit with the court the following ownership documents, including any encumbrance documents *(list all documents and submit as attachments)*:

Surety Information. We understand that the court and the United States of America will rely on the surety information in approving this agreement.

Conditions of Release. We state that we have either read all court-ordered conditions of release imposed on the defendant or had them explained to us.

Continuing Agreement. Unless the court orders otherwise, this agreement remains in effect during any appeal or other review until the defendant has satisfied all court notices, orders, and conditions.

Exoneration of Sureties. This agreement is satisfied and ends if the defendant is exonerated on all charges or, if convicted, the defendant reports to serve any sentence imposed.

Forfeiture. If the defendant fails to obey all conditions of release, court notices, and orders to appear, the court will immediately order the property forfeited and on motion of the United States of America may order a judgment of forfeiture against the signing parties and their representatives, jointly and severally, including interest and costs.

I swear under penalty of perjury that the above information is true and agree to the conditions of this agreement.

Date: _____

_____
Defendant (if a property owner)

City and state: _____

_____
Property owner's printed name

_____
Property owner's signature

_____
Property owner's printed name

_____
Property owner's signature

_____
Property owner's printed name

_____
Property owner's signature

Print Save As... Reset

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

United States of America,
Plaintiff,

v.

_____,
Defendant.

Case No. _____

CERTIFICATE OF SUFFICIENCY

The undersigned hereby certifies the following:

That the documents listed below, and executed in support of the secured property bond as to the above named defendant, have been presented and reviewed by me:

1. Surety Information Sheet;
2. Title Report;
3. Certificate of Title Insurance;
4. Loss Payable Notice;
5. Appraisal or Tax Assessment Documentation;
6. Trust Deed Securing the Release of the Defendant; and
7. Agreement to Forfeit Real Property to Obtain a Defendant's Release.

Furthermore, the undersigned certifies that these documents meet the requirements established by this Court's *Order Setting Conditions of Release* filed (*INSERT DATE*) as to the defendant, and that the equity in the property is sufficient to meet the defendant's obligations under that Order.

Dated this ___ day of _____, 20___.

_____
United States Attorney

Attorney's Name, Oregon State Bar ID Number
Attorney's Internet E-mail address
FIRM NAME
Mailing address or residence address if no office is maintained
City, State and 9-digit zip code
Area Code and Telephone Number
Facsimile Telephone Number
Attorney(s) for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

United States of America,
Plaintiff,

v. **Case No: _____**

Name,

Defendant.

MOTION
FOR ORDER TO SHOW CAUSE
(For Approval of Bond Package)

Defendant, (INSERT NAME), by his/her counsel, (INSERT NAME), respectfully moves for entry of an order to show cause why the Bond Package presented in support of the Order Setting Conditions of Release filed (INSERT DATE) is insufficient to secure the release of the defendant. The government does/does not oppose this motion.

In further support of this request, defendant states that the following documentation (the "Bond Package") was presented to (INSERT NAME OF ASSISTANT U.S. ATTORNEY) on or about (INSERT DATE):

_____

ATTORNEY'S NAME
OSB #
Telephone #
Attorney for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

United States of America,
Plaintiff,

v. **Case No: _____**

Name,

NOTICE OF COMPLIANCE WITH PRE-RELEASE CONDITIONS AND ORDER OF RELEASE

_____Defendant._____

TO THE UNITED STATES MARSHAL:

This document will serve as notice that the above named defendant, (INSERT NAME), has complied with all pre-release conditions imposed by this Court in the Order Setting Conditions of Release entered on (INSERT DATE). Pursuant to that Order, the defendant may be released after processing.

The Clerk is directed to strike the follow-up status conference scheduled for (INSERT DATE OF STATUS CONFERENCE) from the calendar.

DATED this ____ day of _____, 20__

_____

U.S. DISTRICT COURT JUDGE

UNITED STATES DISTRICT COURT

for the

United States of America v. _____ *Defendant*	)))))	Case No.

DETENTION ORDER PENDING TRIAL

After conducting a detention hearing under the Bail Reform Act, 18 U.S.C. § 3142(f), I conclude that these facts require that the defendant be detained pending trial.

Part I—Findings of Fact

☐ (1) The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and has previously been convicted of ☐ a federal offense ☐ a state or local offense that would have been a federal offense if federal jurisdiction had existed - that is

☐ a crime of violence as defined in 18 U.S.C. § 3156(a)(4)or an offense listed in 18 U.S.C. § 2332b(g)(5) for which the prison term is 10 years or more.

☐ an offense for which the maximum sentence is death or life imprisonment.

☐ an offense for which a maximum prison term of ten years or more is prescribed in _____ _____.*

☐ a felony committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses:

☐ any felony that is not a crime of violence but involves:

☐ a minor victim

☐ the possession or use of a firearm or destructive device or any other dangerous weapon

☐ a failure to register under 18 U.S.C. § 2250

☐ (2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state release or local offense.

☐ (3) A period of less than five years has elapsed since the ☐ date of conviction ☐ the defendant's release from prison for the offense described in finding (1).

☐ (4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition will reasonably assure the safety of another person or the community. I further find that the defendant has not rebutted this presumption.

Alternative Findings (A)

☐ (1) There is probable cause to believe that the defendant has committed an offense

☐ for which a maximum prison term of ten years or more is prescribed in _____ .

☐ under 18 U.S.C. § 924(c).

*Insert as applicable: (a) Controlled Substances Act (21 U.S.C. § 801 *et seq.*); (b) Controlled Substances Import and Export Act (21 U.S.C. § 951 *et seq.*); or (c) Section 1 of Act of Sept. 15, 1980 (21 U.S.C. § 955a).

UNITED STATES DISTRICT COURT

for the

☐ (2) The defendant has not rebutted the presumption established by finding 1 that no condition will reasonably assure the defendant's appearance and the safety of the community.

Alternative Findings (B)

☐ (1) There is a serious risk that the defendant will not appear.

☐ (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

Part II— Statement of the Reasons for Detention

I find that the testimony and information submitted at the detention hearing establishes by ☐ clear and convincing evidence ☐ a preponderance of the evidence that

Part III—Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or a designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or held in custody pending appeal. The defendant must be afforded a reasonable opportunity to consult privately with defense counsel. On order of United States Court or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to the United States marshal for a court appearance.

Date: _____

_____
Judge's Signature

_____
Name and Title

*Insert as applicable: (a) Controlled Substances Act (21 U.S.C. § 801 *et seq.*); (b) Controlled Substances Import and Export Act (21 U.S.C. § 951 *et seq.*); or (c) Section 1 of Act of Sept. 15, 1980 (21 U.S.C. § 955a).

Print Save As... Reset

Attorney's Name, Oregon State Bar ID Number
Attorney's Internet E-mail address
FIRM NAME
Mailing address or residence address if no office is maintained
City, State and 9-digit zip code
Area Code and Telephone Number
Facsimile Telephone Number
Attorney(s) for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

United States of America,
Plaintiff,

v. **Case No: _____**

Name,

Defendant.

MOTION FOR EXONERATION OF BOND AND ORDER FOR RECONVEYANCE OF REAL PROPERTY

Defendant, (INSERT NAME), through his/her counsel, (INSERT NAME), respectfully moves this Court for the entry of an order to (1) exonerate the bond posted in support of the release of the defendant on (INSERT DATE OF FILING), and (2) direct the Clerk of the Court to reconvey the following real property, namely: (INSERT REAL PROPERTY DESCRIPTION), for the reason that this case has been concluded and the necessity for the bond has passed. The government does/does not oppose this motion. A declaration in support of this motion along with a proposed form of reconveyance of the trust deed is attached.

_____
ATTORNEY'S NAME
OSB #
Telephone #
Attorney for Defendant