629.67 SURETIES ON BOND, RECOGNIZANCE, OR UNDERTAKING; AFFIDAVITS REQUIRED.

A personal surety upon any bond, recognizance, or undertaking given to secure the appearance of a defendant in a criminal case shall make an affidavit, to be attached to the bond, recognizance, or undertaking, stating:

(1) the surety's full name;

(2) the surety's residence and post office address;

(3) whether or not the affiant is surety upon any other bond, recognizance, or undertaking in any criminal case, and, if so, stating the name of the principal, the amount of each obligation, and the court in which the obligation was given; and

(4) the legal description of all real property owned by the surety and specifying as to each parcel of property its fair market value, what liens or encumbrances, if any, exist on it, and whether or not the property is the surety's homestead or is otherwise exempt from execution. The court may require the surety to disclose all or some of the surety's personal property by affidavit as required for real property.

The court may, in its discretion, by written order endorsed on the bond, recognizance, or undertaking, dispense with the affidavit disclosing the surety's real or personal property, or any part of it, if the court is satisfied that the surety is worth the amount necessary to act as surety on the bond, recognizance or undertaking to secure the defendant in a criminal case and is not a professional or habitual bonding agent in criminal cases.

History: *(10602-1) 1927 c 233 s 1; 1985 c 265 art 10 s 1; 1986 c 444*