

INDIANA DEPARTMENT OF INSURANCE

BAIL BOND DIVISION

311 W. Washington Street, Suite 103

Indianapolis, IN 46204

www.in.gov/idoi

Robert L. Hummel, Attorney

317 232-5063

Fax 317 234-2103

rhummel@idoi.in.gov

Linda Reynolds, Secretary (direct questions about bail bond forfeitures to Linda)

317 232-5249

Fax 317 234-2103

lreynolds@idoi.in.gov

Lynda Gable, Auditor

317 234-2101

Fax 317 234-2103

lgable@idoi.in.gov

IC 27-10-2-12

Failure of defendant to appear; notice; late surrender fees; forfeiture proceedings; satisfaction of judgment; revocation of license

Sec. 12. (a) Only if a defendant does not appear as provided in the bond:

(1) the court shall:

(A) issue a warrant for the defendant's arrest; and

(B) order the bail agent and the surety to surrender the defendant to the court immediately;

(2) the clerk shall, less than thirty (30) days after the defendant's failure to appear, mail notice of the order to both:

(A) the bail agent; and

(B) the surety;

at each of the addresses indicated in the bonds; and

(3) if the defendant later is arrested or otherwise appears:

(A) the court shall order that the surety be released from the bond; and

(B) after the court issues an order under clause (A), the surety's original undertaking shall be reinstated if the surety files a written request for the reinstatement of the undertaking with the court.

This subsection may not be construed to prevent a court from revoking or resetting bail.

(b) The bail agent or surety must:

(1) produce the defendant; or

(2) prove within three hundred sixty-five (365) days:

(A) that the appearance of the defendant was prevented:

(i) by the defendant's illness or death;

(ii) because the defendant was at the scheduled time of appearance or currently is in the custody of the United States, a state, or a political subdivision of the United States or a state;

(iii) because the required notice was not given; or

(iv) because authorities have refused to extradite the defendant, by a preponderance of the evidence; and

(B) the defendant's absence was not with the consent or connivance of the sureties.

(c) If the bail agent or surety does not comply with the terms of subsection (b) within one hundred twenty (120) days after the mailing of the notice required under subsection (a)(2), a late surrender fee shall be assessed against the bail agent or surety as follows:

(1) If compliance occurs more than one hundred twenty (120) days but not more than one hundred eighty (180) days after the mailing of notice, the late surrender fee is twenty percent (20%) of the face value of the bond.

(2) If compliance occurs more than one hundred eighty (180) days but not more than two hundred ten (210) days after the mailing of notice, the late surrender fee is thirty percent (30%)

of the face value of the bond.

(3) If compliance occurs more than two hundred ten (210) days but not more than two hundred forty (240) days after the mailing of notice, the late surrender fee is fifty percent (50%) of the face value of the bond.

(4) If compliance occurs more than two hundred forty (240) days but not more than three hundred sixty-five (365) days after the mailing of notice, the late surrender fee is eighty percent (80%) of the face value of the bond.

(5) If the bail agent or surety does not comply with the terms of subsection (b) within three hundred sixty-five (365) days of the mailing of notice required under subsection (a)(2), the late surrender fee is eighty percent (80%) of the face value of the bond.

All late surrender fees are due as of the date of compliance with subsection (b) or three hundred sixty-five (365) days after the mailing of notice required under subsection (a)(2), whichever is earlier, and shall be paid by the surety when due. If the surety fails to pay, then the late surrender fees shall be paid by the commissioner as provided in subsection (f).

(d) If the bail agent or surety does not comply with the terms of subsection (b) within three hundred sixty-five (365) days of the mailing of notice required by subsection (a)(2), the court shall declare forfeited an amount equal to twenty percent (20%) of the face value of the bond. The court shall immediately enter judgment on the forfeiture, without pleadings and without change of judge or change of venue, and assess against the bail agent or surety all actual costs resulting from the defendant's failure to appear. These costs include jury fees, witness fees, and any other documented costs incurred by the court.

(e) Proceedings relative to the bond, forfeiture of a bond, judgment on the forfeiture, execution of judgment, or stay of proceedings shall be in the court in which the bond was posted. Costs and late surrender fee assessed against a bail agent or surety under subsection (c) shall be satisfied without further order of the court as provided in subsection (f). The court may waive the late surrender fee or extend the period for payment beyond the statutorily permitted period, or both, if the following conditions are met:

(1) A written request is filed with the court and the prosecutor.

(2) The surety or bail agent provides evidence satisfactory to the court that diligent efforts were made to locate the defendant.

(f) In the case of an insurer, if the fees, costs, or judgment is not paid, then the clerk shall mail the notice to the commissioner. The commissioner shall:

(1) within ten (10) days of receipt of the notice forward a copy by certified mail to the insurer;

(2) forty-five (45) days after receipt of the notice from the clerk, if the commissioner has not been notified by the clerk that the fees or judgment or both have been paid, pay the late surrender fee assessment, costs, and any judgment of forfeiture ordered by the court from funds the insurer has on deposit with the department of insurance;

(3) upon paying the assessment, costs, and judgment, if any, from funds on deposit, immediately revoke the license of the insurer, if the satisfaction causes the deposit remaining to

be less than the amount required by this article; and

(4) within ten (10) days after revoking a license, notify the insurer and the insurer's agents and the clerk of each county in Indiana of the revocation and the insurer shall be prohibited from conducting a bail bond business in Indiana until the deposit has been replenished.

(g) The notice mailed by the clerk to the commissioner pursuant to the terms of subsection (f) shall include:

- (1) the date on which the defendant originally failed to appear as provided in the bond;
- (2) the date of compliance with subsection (b), if compliance was achieved within three hundred sixty-five (365) days after the mailing of the notice required by subsection (a)(2);
- (3) the amount of the bond;
- (4) the dollar amount of the late surrender fee due;
- (5) the amount of costs resulting from the defendant's failure to appear; and
- (6) if applicable, the dollar amount of the judgment of forfeiture entered by the court.

(h) Any surety on a bond may appeal to the court of appeals as in other civil cases without moving for a new trial, and on the appeal the evidence, if any, shall be reviewed.

(i) Fifty percent (50%) of the late surrender fees collected under this chapter shall be deposited in the police pension trust fund established under IC 36-8-10-12 and the remaining fifty percent (50%) shall be deposited in the county extradition and sheriff's assistance fund established under IC 35-33-14.

As added by P.L.261-1985, SEC.1. Amended by P.L.355-1989(ss), SEC.4; P.L.224-1993, SEC.9; P.L.348-1995, SEC.3; P.L.105-2010, SEC.8; P.L.42-2013, SEC.1.

**NOTIFICATION OF JUDGMENT,
COURT COST AND /OR LATE SURRENDER FEES**

Insurance Commissioner
311 West Washington Street Suite 103
Indianapolis Indiana 46204-2787

Date _____

Surety Company _____

Dear Commissioner:

This shall constitute notification pursuant to I.C. 27-10-2-12 that the following judgment, Court cost and surrender fees have been assessed, ordered and not yet paid:

Cause Number: _____

Power Number: _____

Name of Defendant: _____

Name of Bail Agent: _____

Date of failure to Appear: _____

Date of Return of Defendant: _____

Judgment of Forfeiture:

Original Bond Amount \$ _____

Late Surrender fees: \$ _____

Total Forfeiture: \$ _____
(20 % of Bond)

Assessment: Court Cost: \$ _____

Total Due: \$ _____

Above information prepared and certified by

Department of Insurance use only

Name of Clerk: _____

Date Mailed: _____

County: _____

Deadline for Satisfaction: _____

Court: _____

SEAL OF COUNTY CLERK

NOTICE OF SATISFIED JUDGMENT

Insurance Commissioner
311 West Washington Street Suite 103
Indianapolis Indiana 46204-2787

We hereby request that your office satisfy the Bail Bond Judgment Notification which was previously submitted on the Bond listed below.

Said Judgment was satisfied by the following:

1. Set aside by Judge _____ Date _____
2. Payment by Surety _____ Date _____
3. Apprehension of Defendant _____ Date _____
4. Other Action _____ Date _____

Cause Number _____

Name of Defendant _____

Surety Company _____

Bail Agent _____

Power Number _____ Amount Paid _____

Above information prepared and certified by _____
(Name)

(County)

Seal of
County Clerk

ABC SURETY COMPANY
P.O. Box 5555
INDIANAPOLIS, INDIANA 46204

IN THE DISTRICT COURT OF _____, STATE OF _____

Plaintiff)
))
))
Versus))
))
))
))
Defendant)

MOTION TO SET ASIDE BOND FORFEITURE AND TO EXONERATE BOND

Come now _____, licensed bail bondsman, on behalf of himself and the duly authorized agent of ABC SURETY COMPANY and respectfully moves this Honorable Court to set aside its Order and Judgment of Forfeiture filed herein on the _____ day of _____, 20____, which provides that said appearance bond in the amount of \$ _____, executed by the applicant herein be forfeited. As grounds for said Motion to Set Aside Bond Forfeiture, movant states:

1. That at all times during the pendency of this action, movant has made good faith and exercised diligent efforts to insure the appearance of the said defendant, _____
2. That the said defendant, _____ is not within the jurisdiction of this court.

WHEREFORE, premises considered movant respectfully moves the Court of set aside its Order and Judgment of Forfeiture and to exonerate the bond.

Respectfully submitted,

Licensed Bail Bondsman

CERTIFICATE

I hereby certify that on the _____ day of _____, 20____, I had delivered a true and correct copy of the above motion to the office of the District Attorney, _____ County Courthouse, _____.

IC 27-10-3-17

Registration of licenses; power of attorney

Sec. 17. (a) A bail agent may not become a surety on an undertaking unless the bail agent has registered the bail agent's license in the office of the sheriff and with the clerk of the circuit court in the county in which the bail agent resides. The bail agent may then become a surety on an undertaking in any other county upon filing a copy of the bail agent's license in the office of the sheriff and with the clerk of the circuit court in the other county. A surety bail agent must also file an original qualifying power of attorney signed by the bail agent and attached to a specimen bail bond with the clerk of the circuit court and file a copy of the qualifying power of attorney with the office of the sheriff. The clerk of the circuit court and the sheriff may not permit the registration of a bail agent unless the bail agent is currently licensed by the commissioner under this article.

(b) A recovery agent may not perform the recovery agent's duties unless the recovery agent has registered the recovery agent's license within fifteen (15) days of issuance or any renewal in the office of the sheriff and with the clerk of the circuit court in the county where the recovery agent resides. The clerk of the circuit court and the sheriff may not permit a registration unless the recovery agent is properly licensed by the commissioner under this article.

As added by P.L.261-1985, SEC.1. Amended by P.L.224-1993, SEC.24; P.L.348-1995, SEC.6.

State of Indiana

The Department of Insurance

Bail Agent License

This certifies that

Frank N. Stein

License No 5116

Has completed the requirements for a license as a Bail Agent set forth in Indiana code 27-10-1 and is therefore duly qualified to act as a Bail Agent within the State of Indiana.

This license will expire on 10/31/2015 unless this license is revoked or terminated.

In Witness Whereof, I have hereunto set my hand on an official seal of my office on 3/19/2013 in Indianapolis, Indiana.

Stephen W Robertson
Insurance Commissioner

**ABC SURETY COMPANY
LIMITED POWER OF ATTORNEY**

P. O. BOX 5555, INDIANAPOLIS, INDIANA

FOR CLERK STAMP

No 109328

Know all men by these presents ABC Surety Company, an Indiana Corporation, having its principal Office in the City of Indianapolis, County of Marion, State of Indiana, pursuant to the following duly adopted By-Laws by its Board of Directors which are now in full force and effect, to wit:

"Any Officer shall have power and authority to appoint Attorneys-In-Fact, and authorize them to execute, on behalf of the Company, bonds and undertakings, recognizances, contracts of indemnity in the nature thereof, and he may at any time in his judgment remove any such appointees and revoke the authority given to them ."Has made, constituted and appointed and by these presents does make, constitute and appoint, subject to provisions and limitations herein set forth.

AGENT Frank N. Stein
FILED IN THE OFFICE OF Clerk of Court
COUNTY OF Marion
STATE OF Indiana

Its true and lawful agent and attorney-in-fact to specifically make, execute, seal and deliver as surety, and its act and deed, BAIL BONDS and recognizances only. The authority of such Attorney-In-Fact is limited to appearance bonds, especially no authority is provided herein for the execution of surety immigration bonds, and cannot be construed to guarantee for failure to provide payments, back alimony payments, fines or wage law claims, in a penalty not to exceed ON ANY ONE RISK One Hundred Thousand Dollars. \$100,000.00

This limited appointment as Attorney-In-Fact to execute bail bonds on behalf of the surety does not provide authority to accept service of process for any criminal or civil action on the surety's behalf.

ALL BAIL BONDS AND RECOGNIZANCES MUST BE ACCOMPANIED BY AN INDIVIDUAL NUMBERED POWER OF ATTORNEY PROPERLY EXECUTED. (specimen copy of said numbered power attached hereto) And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company as fully and amply, to all intents and purposes as if they have been duly executed and acknowledged by the regularly elected officers of the Company at its office in Indianapolis, Indiana in their own proper persons.

IN WITNESS WHEREOF, ABC Surety Company has caused these presents to be signed by its duly authorized officer and its corporate seal to be hereunto affixed this 5th day of April 2014

ABC SURETY COMPANY

By John T. Brown
President

State of: INDIANA }
County of: MARION }

On 5/05/2014 before me Jane Doe notary Public, personally appeared John T. Brown

X personally known to me- OR proved to me on the basis of satisfactory evidence to be the person(s) whose name 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 entity upon behalf of which the person(s) acted executed the instrument.

Witness my hand and official seal. Jane Doe My Commission Expires November 28, 2015

CAPACITY CLAIMED BY SIGNER
 INDIVIDUAL OTHER
 CORPORATE
 OFFICER(S) President
 PARTNER(S) LIMITED GENERAL
 ATTORNEY IN FACT
 TRUSTEE(S)
 GUARDIAN/CONSERVATOR

SIGNER IS REPRESENTING:

FOR NOTARY SEAL OR STAMP

This authority not valid unless it has been countersigned by above appointed agent and attorney-in-fact.

IMPORTANT SEE REVERSE SIDE

Frank N Stein

POWER AMOUNT
\$5000

VOID IF NOT EXECUTED BY:
10/01/2009

POWER OF ATTORNEY
ABC SURETY COMPANY
P. O. BOX 5555, INDIANAPOLIS, IN 47777

ABS 10000

KNOW ALL MEN BY THESE PRESENTS: that ABC SURETY COMPANY, a corporation duly authorized and existing under the laws of the State of Indiana, does constitute and appoint the below named agent its true and lawful Attorney-in-Fact for it and in its name, place and stead, to execute, and deliver for and on its behalf, as surety, a bail bond only.

Authority of such Attorney-in-Fact is limited to appearance bonds. No authority is provided herein for the execution of surety immigration bonds or to guarantee alimony payments, fines, wage law claims or other payments of any kind on behalf of below named defendant. The named agent is appointed only to execute the bond consistent with the terms of this power of attorney. The agent is not authorized to act as agent for receipt of service of process in any criminal or civil action. This power is void if altered or erased or used in any combination with other powers of attorney if this company or any other company to obtain the release of the defendant named below or to satisfy any bond requirement in excess of the stated face of amount of his power. This power can only be used once. The obligation of the company shall not exceed the sum of FIVE THOUSAND (\$5,000) DOLLARS

and provided this Power-Of-Attorney is filed with the bond and retained as a part of your records. The said Attorney-In-Fact is hereby authorized to insert in this Power-Of-Attorney the name of the person on whose behalf this bond was given.

IN WITNESS WHEREOF, ABC SURETY COMPANY has caused those presents to be signed by its duly authorized officer, proper for the purpose and its corporate seal to be hereunto affixed this 20th day MAY 2014.

Bond Amount: \$5000.00 Appearance Date: May 25
Defendant: John Doe
Court Superior Case # _____
County: Madison City: Anderson St. IN Zip 46204
Offense Conversion
Executing Agent Frank N. Stein



ABC SURETY COMPANY

John T. Brown

John T. Brown, President

ABC SURETY COMPANY

APPEARANCE BOND

Power of Attorney Number AB510000

IN Superior COURT, STATE OF INDIANA
STATE OF INDIANA
vs.

SS: COUNTY OF Madison

John Doe
Know All Men By These Presents:

THAT we, Frank N. Stein as principal
and ABC SURETY COMPANY, as surety, jointly and severally acknowledge ourselves bound to the State of Indiana in the sum
of Five Thousand dollars.
If John Doe shall appear on the
20 day of May, 2014, in the Superior court, to answer a charge of
Conversion and from day to day and from term to term thereof, and
abide the order of the court until said cause is determined and not depart there from without leave, then this recognizance shall be void, else
to remain in full force.

If the above-named defendant shall not appear at any time fixed in this bond, the court shall thereupon declare this bond to be forfeited
and notice of such forfeiture shall be mailed to ABC SURETY COMPANY, the surety, at P.O. Box 68932, Indianapolis, Indiana and
Frank N. Stein, P. O. Box 2222,

(Bondsman - Address)
Indianapolis in Marion County, and State of Indiana. And if the surety hereon
shall not produce said defendant, and does not pay all costs and late surrender fees in compliance with IC 27-10-2-12, the court shall, three
hundred sixty-five (365) days after the mailing of the above notice to the surety. And bondsman, declare the bond forfeited, enter judgment
forthwith against the surety and certify the judgment to the clerk for record. Such forfeiture shall be without pleading and without change of
judge or change of venue. The obligors on such bond may appeal to the ruling of the court and appeal, to the court of appeals as in other civil
cases, and on appeal the evidence may be reviewed. Execution shall issue forthwith to the sheriff against the properties of each of us to be
levied as other executions are levied. If the Defendant escapes from the custody of American Surety Company and is subsequently captured in
a State of the United States other than the one in which the original charge was filed or in a foreign country, the Defendant does hereby agree to
return voluntarily to the State of original jurisdiction, and does hereby waive extradition proceedings and further consents to the application of
such force as may be necessary to effect such return.

WITNESS our hand and seals this 20th day of May, 2014.

Taken and approved this 20th day of May, 2014

John Doe (L.S.)
(Defendant)

ABC SURETY COMPANY

Andrew Williams
(Officer Taking Surety)

Frank N. Stein (L.S.)
Attorney-In-Fact

THIS BOND NOT VALID UNLESS ACCOMPANIED BY AN INDIVIDUALLY NUMBERED POWER OF ATTORNEY PROPERLY EXECUTED.

ABC-11 (Rev. 9/03)

This form is in accordance with
Section (5), Chapter 241 of the
1969 Acts of Indiana