

LIEN AND AFFIDAVIT OF PROPERTY OWNERS - BAIL

§ 15-13-152, Ala. Code 1975

CASE NUMBER:

IN THE _____ COURT OF _____, ALABAMA
(Circuit, District, or Municipal) (Name of County or Municipality)☐ STATE OF ALABAMA☐ MUNICIPALITY OF _____ V. _____
DEFENDANT

Charge(s): _____

PROPERTY INFORMATION

Name of Property Owner(s): _____

Physical Address: _____

City, State, Zip: _____

Email: _____

LEGAL DESCRIPTION

Before me, the undersigned authority, personally appeared _____, who first by me being duly sworn on oath, deposes and says:

That he or she possesses the qualifications and is sufficient to become a surety and that he or she is the owner of the following described property, and that he or she pledges said property as collateral for the above-named defendant and his or her bail:

(1) Legal Description of Property Owned:

*Example: 40 acres, located _____, ... as recorded in Deed Book _____, at Page _____, etc.\$45,000.00; 84 acres, located _____ ... as recorded in Deed Book _____, at Page _____, etc.\$10,000.00. TOTAL VALUE \$55,000.00*_____

Total Value: _____

(2) The encumbrances on the above-described property are as follows:

*Example: Homestead exemption \$2,000.00, Amount of undischarged prior undertaking of Bail 2,000.00, First mortgage in favor of (name of lending institution) 22,000.00. Total Encumbrance \$26,000.00, Total Unencumbered Value \$29,999.99*_____

Total Encumbrances: _____ Total Unencumbered Value: _____

Property owners are qualified to make bail in an amount equal to the Total Unencumbered Value.

(3) That the total number of bails, executed for people other than my immediate family within the year, including this one is _____.

(4) That the above listed real property is not exempt from forced sale under the Constitution and laws of the State of Alabama.

(5) That the property is free of mortgages, liens, and encumbrances other than those listed above.

(Surety Signature) _____ Address: _____

(Surety Signature) _____ Address: _____

(6) That I am not an attorney, a judicial official, or a person authorized to take bail and that I own property in this state that has a fair market value equal to or greater than the amount of the appearance bond in this cause, exclusive of property exempt from execution and above and over all liabilities, including the amount of all other outstanding appearance bonds entered into by me.

SWORN TO AND SUBSCRIBED before me in _____, Alabama, on this the ____ day of _____, 20____.

Notary Public

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NOTICE

I, _____, I have been advised that if I have provided any false information in the above affidavit, I could be charged with a crime and be punished according to the law.

(Surety Signature) _____ DATE: _____

(Surety Printed Name) _____

(Surety Signature) _____ DATE: _____

(Surety Printed Name) _____

WAIVER OF HOMESTEAD EXEMPTION FOR BOND

As (a surety) of the bond securing the presence of the above-named defendant, in compliance with Article X, § 210, Constitution of Alabama 1901, and § 6-10-122, (I)/(we) hereby waive by this separate instrument my/our right(s) to claim (my)/(our) homestead, exempt from execution or other process for collection of debt necessary for enforcement of the provisions of the bond.

Done this the ____ day of _____, 20____.

Surety/Property Owner Signature: _____

Surety/Property Owner (Print Name): _____

Spouse of Surety Signature: _____

Spouse of Surety (Print Name): _____

I, _____, a Notary Public in and for the above-named county of the State of Alabama, hereby certify that the surety and any spouse of the surety; whose name(s) is/are signed to the foregoing instrument, being informed of the instrument, has/have voluntarily executed and acknowledged the same before me this date.

Given under my hand this the ____ day of _____, 20____.

Notary Public

Commission Expires: _____