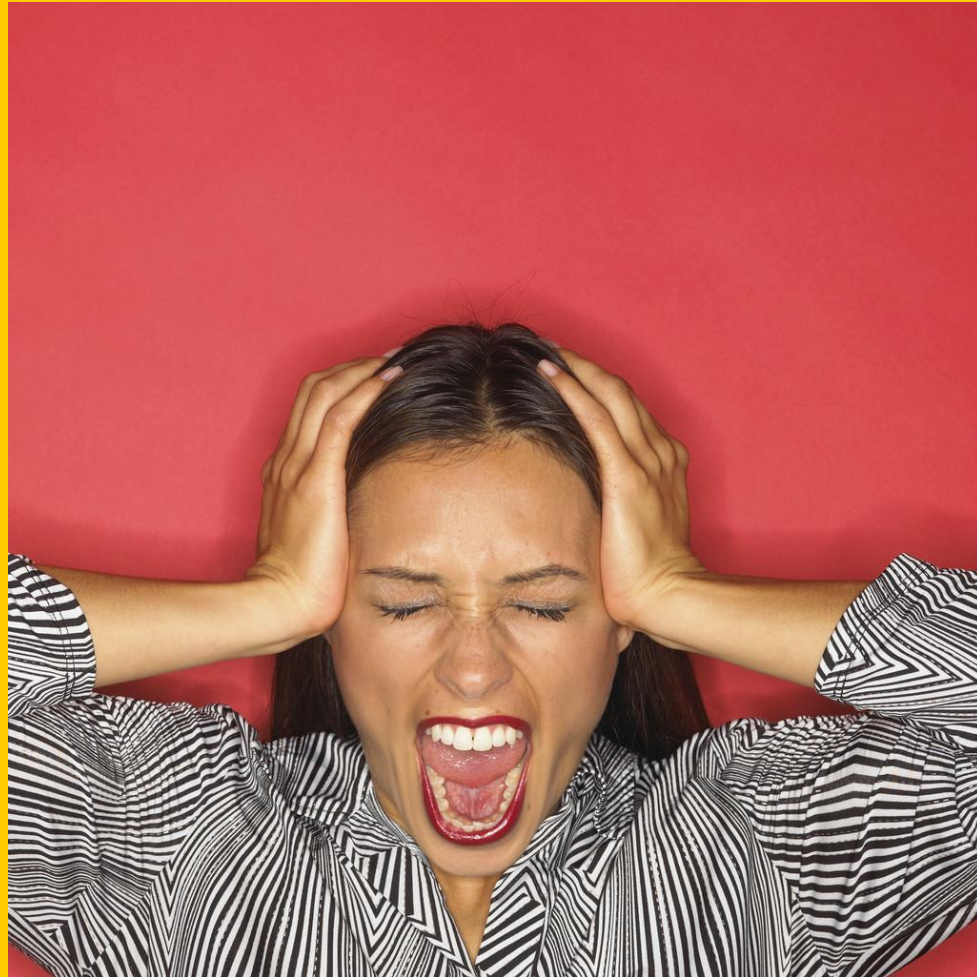


Bond Forfeitures

**Presented by
Luevada Posey, C.M.C.C.
Operations Supervisor
Cedar Park Municipal Court**

- **Code of Criminal Procedure**
- **Texas Rules of Civil Procedure**
- **Occupation Code**
- **Servicemembers Civil Relief Act**



Bail

and

the

Bail Bond



Bail





Bond

Court's Obligation

- **Docket must be posted**
- **On-line or public place**

Defendant Fails to Appear

- **Affidavit**
- **Capias Original Charge**
- **Judgment nisi**
- **Scire Facias Docket**
- **Citation**

The Familiar is Comforting

- Probable Cause
- Complaint
- Warrant
- Docket
- Summons
- Affidavit
- Judgment Nisi
- Capias
- Scire Facias Docket
- Citation

Citation

Requirements

Of

Citation

“You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the next Monday following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.”

Service

Of

Citation

- **Mail**
- **Personal Service**
- **Alternative Service**
- **Publication**



Service by Mail



Personal Service

Personal Service

Personal Service (return)

**Personal Service
(unable to serve)**

Alternative Service



Publication



Publication (requirements)



Publication



Publication

**Publication
(deceased)**



Answer

General Denial

Verified Pleadings

- **Deny execution of bond**
- **Bond not valid**

Answer before citation

- **Constitutes an appearance**
- **Service of citation not necessary**

Appears in Open Court

- **Note appearance on docket**
- **Citation issued and served**



Answer Must be Filed

- **10:00 a.m. on or before Monday following the 20th day after the service citation**

Setting Case

Continuance

Trials



Jury Trials



Jury Trials

- **Fee not paid court may deny jury trial**
- **Fee paid clerk summons prospective jurors**

Powers of the Court

- **Exonerate**
- **Remit the amount of the forfeiture (bond)**
- **Set aside the forfeiture**

Causes that Exonerate

- **Bond not valid**
- **Death of principal**
- **Uncontrollable circumstance**
- **Failure to present indictment**
- **Incarceration of the principal**

Remittitur IF:

- **Principal is released on new bail**
- **Case dismissed**
- **Other good cause**

Judgments

- **Default Judgment**
- **Summary Judgment**
- **Agreed Judgment**
- **Final Judgment**

Default Judgment

- **Properly served**
- **Fail to answer in time**
- **All sureties have been served**
- **Military service**

Default Judgment (continued)

- **State prepares final judgment**
- **Clerk mails notice of default judgment**

Defendant

Exonerated

Summary Judgment

- **No genuine issue or material fact**
- **Entitled to prevail as a matter of law**

**Agreed
Judgment**

Final Judgment

Collection

And

Enforcement

Execution