

A faint, light gray background image of a pair of scales of justice. The scales have two pans hanging from a central beam, which is supported by a vertical pillar with a decorative finial on top. The entire image is centered on the page.

BOND FORFEITURE

BOND FORFEITURE

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AFFIDAVIT OF INTENTION TO SURRENDER PRINCIPAL (Art. 17.19, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF _____

§

_____ **COUNTY, TEXAS**

AFFIDAVIT

Before me, the undersigned authority, on this the _____ day of _____, 20__ personally appeared _____, who, being by me duly sworn upon oath deposes and says that they are a Surety upon the bail bond of _____, Principal, who stands charged in the Municipal Court in the City of _____, Texas, with a misdemeanor, to wit: _____ and that it is their desire and intention to surrender the said _____ into the custody of the Chief of Police, City of _____, Texas, and upon said Principal being placed in custody of the proper person as provided by law to be released from any further liability as such Surety, and that this affidavit is made for the purpose of requesting the judge of said Court to issue a warrant of arrest for said Principal. The Surety further states that they have notified the Principal's attorney (if represented by an attorney) pursuant to Article 17.19, Code of Criminal Procedure, of the intention to surrender said Principal to the Court.

The said Surety further states on (his)(her) oath that:

1. Bond was made on the _____ day of _____, 20__;
2. The amount of fee paid was \$ _____;
3. Notice of the Surety's intention to surrender the Principal has been given as required by Article 17.19(a), Code of Criminal Procedure;
4. The reason for the surrender is: _____.

Wherefore, Petitioner asks the Court that a warrant of arrest issue directing the Chief of Police of the City of _____, Texas, to place the Defendant in jail.

Surety

Subscribed and sworn to before me, this the _____ day of _____, 20__.

(Judge)(Clerk)(Notary Public in and for the State of Texas)

ORDER

On this the _____ day of _____, 20__, it having come to my attention that the foregoing affidavit of intention to surrender Principal has been filed by the Surety in regard to the above mentioned prosecution which is pending in this court;

It is therefore ordered that a warrant of arrest be issued forthwith for _____, Principal in said prosecution. Said warrant shall be executed as in other cases.

(municipal court seal)

(Magistrate)(Judge)
Municipal Court, City of _____
_____ County, Texas

Editor's Note: The surety may deliver the affidavit to any other magistrate in the county if the court or magistrate before whom the prosecution is pending is not available. Art. 17.19(c), C.C.P. A surety may not be released from responsibility if the accused is in federal custody to determine whether the accused is lawfully present in the United States under Article 17.16, C.C.P.

CAUSE NUMBER: _____

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF _____

§

_____ COUNTY, TEXAS

TO ANY PEACE OFFICER, SECURITY OFFICER, OR PRIVATE INVESTIGATOR OF THE STATE OF TEXAS -
GREETINGS:

You are hereby commanded to take the body of _____, herein called Principal, and safely keep (him)(her) so that (he)(she) may be brought before the Municipal Court, City of _____, _____ County, Texas, located at _____ immediately upon the order of said Court, to be dealt with according to the law, then and there to answer the City of _____, Texas, in a charge by complaint wherein the said Principal is charged with the offense of _____, and (*the Surety on the Principal's bond herein has made before this Court an affidavit (which is by this reference incorporated herein for all purposes) of an intention to surrender the Principal and obtain from this Court a capias for such Principal pursuant to Article 17.19, Code of Criminal Procedure) or (*the Court has ordered the Defendant's bond forfeited and rendered final the judgment nisi against the Defendant-Principal or Defendant Surety(ies), and pursuant to Article 23.05, Code of Criminal Procedure, shall immediately issue a capias for the Defendant's arrest).

Herein fail not, but make due service and return of this writ of capias on _____, 20____, showing how you executed the same.

Signed this _____ day of _____, 20____.

(municipal court seal)

(Magistrate)(Judge)

Municipal Court, City of _____
_____ County, Texas

OFFICER'S RETURN

Capias received _____, 20____, and executed _____, 20____, by arresting the Defendant and:

- ☐ placing (him)(her) in jail in _____ County, Texas, or
☐ taking (his)(her) bond.

(Peace Officer)(Security Officer)(Private Investigator) for the State of Texas

Editor's Note: A capias under this article must be issued not later than the 10th business day after the date of the court's issuance of the order of forfeiture or order permitting surrender of the bond. Art. 23.05(c), C.C.P.

Under Art. 17.19(e), C.C.P., an arrest warrant or capias may be executed by a peace officer, a security officer, or a private investigator licensed in Texas. The previous version of this form included "security guards," but the statute does not specifically identify this group. Using the term "security officer" tracks the statute more closely.

WARRANT OF ARREST: SURRENDER OF PRINCIPAL (Art. 17.19, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF _____

§

_____ COUNTY, TEXAS

TO ANY PEACE OFFICER, SECURITY OFFICER, OR PRIVATE INVESTIGATOR OF THE STATE OF TEXAS - GREETINGS:

You are hereby commanded to take the body of _____, herein called Principal, and safely keep (him)(her) so that (he)(she) may be brought before the Magistrate, County of _____, Texas, located at _____ immediately upon the order of said Magistrate, to be dealt with according to the law, then and there to answer the jurisdiction of _____, Texas, in a charge by complaint wherein the said Principal is charged with the offense of _____, and the Surety on the Principal's bond herein has made before this Magistrate an affidavit (which is by this reference incorporated herein for all purposes) of an intention to surrender the Principal and obtain from this Magistrate a warrant of arrest for such Principal pursuant to Article 17.19, Code of Criminal Procedure.

Herein fail not, but make due return of this warrant of arrest, showing how you executed the same.

Signed this _____ day of _____, 20__.

Magistrate

County, Texas

OFFICER'S RETURN

Warrant of arrest received _____, 20__, and executed _____, 20__, by arresting the Defendant and:

- ☐ placing (him)(her) in jail in _____ County, Texas, or
☐ taking (his)(her) bond.

(Peace Officer)(Security Officer)(Private Investigator) for the State of Texas

BAILIFF'S/CLERK'S AFFIDAVIT OF DEFENDANT'S FAILURE TO APPEAR

CAUSE NUMBER: _____

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF _____

§

_____ **COUNTY, TEXAS**

AFFIDAVIT

On the _____ day of _____, 20____, this cause came on for (arraignment)(trial) and in accordance with my official duties of office, I, the undersigned (bailiff)(deputy clerk)(clerk) of the City of _____ Municipal Court do under oath state that I was present in the courtroom when this cause was called on the docket. I personally observed that the Defendant did not appear or answer in the courtroom. Pursuant to the order of this Court and in accordance with my official duties of office, I distinctly called the Defendant's name at the courthouse door in accordance with law and, after a reasonable time given to the Defendant to answer and appear, the Defendant neither answered nor appeared.

Affiant

Sworn and subscribed before me by _____

_____, a credible person, this _____ day of _____, 20_____.

(Judge)(Deputy Clerk)(Clerk), Municipal Court

City of _____

_____ County, Texas

CAUSE NUMBER: _____

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF _____

§

_____ COUNTY, TEXAS

JUDGMENT NISI

This day, Cause Number _____ was called, and thereupon came the State of Texas by the City Attorney of _____, but the Defendant, _____, failed to appear and answer in (his)(her) behalf, and thereupon (his)(her) name was called distinctly at the door of the courthouse in accordance with the law, and after a reasonable time given the Defendant to appear, the said Defendant failed to appear in Court to answer on the charge of a misdemeanor, to wit: _____ according to the tenor and effect of (his)(her) bond on file with this Court.

The Court finds that the State of Texas by and through the City of _____ is entitled to a forfeiture of said bond. It is therefore **Ordered, Adjudged, and Decreed** by this Court that the State of Texas have and recover the sum of \$ _____ dollars from the Defendant for the use and benefit of said City. This judgment will be made final unless good cause can be shown why the Defendant did not appear.

It is further Ordered that a citation to the Defendant, as Principal, be issued and with a copy of this judgment nisi and a copy of the bond, be deposited in the United States Postal Service directed to the said Defendant at the address shown on the bond, or the last known address of the Defendant, as required by law.

It is further Ordered that a capias be issued for the arrest of the Defendant.

This judgment nisi declaring forfeiture is **granted and signed** on this _____ day of _____, 20____.

Failed to Appear:

Month: _____ Day: _____ Year: _____

Judge, Municipal Court

City of _____

County, Texas

(municipal court seal)

JUDGMENT NISI DECLARING FORFEITURE: SURETY BOND (Arts. 22.02 and 22.03, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF _____

§

_____ COUNTY, TEXAS

JUDGMENT NISI

Surety (name and address): _____

Surety (name and address): _____

This day Cause Number _____ was called, and thereupon came the State of Texas by the City Attorney of _____, but the Defendant failed to appear and answer in (his)(her) behalf, and thereupon the Defendant's name was called distinctly at the door of the courthouse in accordance with the law, and after a reasonable time given the Defendant to appear, the said Defendant failed to appear in Court to answer on the charge of a misdemeanor, to wit:

_____ according to the tenor and effect of (his)(her) bond on file with this Court.

The Court finds that the State of Texas by and through the City of _____ is entitled to a forfeiture of said bond. It is therefore **Ordered, Adjudged, and Decreed** by this Court that the State of Texas have and recover the sum of \$ _____ dollars (\$ _____) of and from jointly and severally, the Defendant, _____, as Principal, and _____, as Surety(ies).

This judgment will be made final unless good cause can be shown why the Defendant did not appear.

It is further Ordered that a citation be issued and with a copy of this judgment nisi and a copy of the bond attached be served upon said Surety(ies) commanding them to appear before this Court by filing written answer with the Clerk of the Municipal Court of the City of _____, by 10:00 a.m. on the Monday next following the expiration of 20 days after service of citation and show cause why this judgment nisi declaring forfeiture should not be final.

It is further Ordered that a citation declaring forfeiture be issued and with a copy of this judgment nisi and a copy of the bond attached, be served upon the Defendant and _____, as Sureties by depositing the citation declaring forfeiture with the United States Postal Service and mailing it directly to the Defendant and Surety(ies) at their address as shown on the bond, or at the last known address, as required by law.

It is further Ordered that a capias be issued for the arrest of the Defendant.

This judgment nisi declaring forfeiture is **granted and signed** on this _____ day of _____, 20__.

Failed to Appear:

Month: _____ Day: _____ Year: _____

Judge, Municipal Court

City of _____

County, Texas

(municipal court seal)

CAUSE NUMBER: _____

STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS. DEFENDANT(S):	§	CITY OF _____
_____	§	_____ COUNTY, TEXAS
Principal	§	Forfeiture of Bond
and	§	Re: Cause Number _____
_____	§	Offense Charged by Complaint:
_____	§	_____
Sureties	§	Citation served on _____,
_____	§	20____, by _____.
Attorney for State	§	Amount of Judgment Nisi:
_____	§	\$ _____
Attorney for Defendant	§	

Date of Orders	Orders and Proceedings

CAUSE NUMBER: _____

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF _____

§

_____ COUNTY, TEXAS

Defendant's Address(es)**TO ANY SHERIFF, CONSTABLE OF TEXAS, OR OTHER PERSON AUTHORIZED BY LAW: FAIL NOT AND DELIVER THIS WRIT FORTHWITH.**

Attached is a copy of a judgment nisi rendered against you which was filed on _____ in the above cited Cause Number and Court. 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 Monday next following the expiration of 20 days after you were served this citation and petition**, a default judgment may be taken against you. Said answer should show cause why the judgment nisi (Judgment of Forfeiture) entered by the Court in the above referenced and numbered cause should not be made final against you as the Defendant in this lawsuit.

Issued on this the _____ day of _____, 20__.

WITNESS: _____, Clerk of said Court, and seal thereof at office,
_____, Texas, on the _____ day of _____, 20__.

Issued at request of

State's Attorney: _____

Address: _____

Clerk, Municipal Court

City of _____

Address: _____

(municipal court seal)

RETURN

Received this citation the _____ day of _____, 20__, at _____ o'clock _____.m. Executed at _____, State of _____ on the _____ day of _____, 20__ by (mailing to the above named by registered mail with delivery to addressee only, a true copy of this citation together with a copy of the judgment nisi or judgment of forfeiture and a copy of the bond attached thereto. United States Post Office Return Receipt received on _____ day of _____, 20__ and attached hereto)(personally delivering to _____ a true copy of this citation together with a copy of the judgment nisi or judgment of forfeiture and a copy of the bond attached thereto).

Officer

City of _____

Clerk, Municipal Court

City of _____

OFFICER'S RETURN IF CITATION NOT SERVED

Diligence used to serve and cause of failure to execute:

Officer
City of _____
the _____ day of _____, 20__
at _____ o'clock _____.m.

Editor's Note: Attach to this citation: (1) a copy of the judgment of forfeiture (i.e., judgment nisi) entered by the court; (2) a copy of the forfeited bond; and (3) a copy of any power of attorney attached to the forfeited bond. Art. 22.04, C.C.P.

DISMISSAL AND REINSTATEMENT OF BOND

CAUSE NUMBER: _____

STATE OF TEXAS

VS.

§

§

§

IN THE MUNICIPAL COURT

CITY OF _____

_____ COUNTY, TEXAS

STATE'S MOTION TO DISMISS

Comes now the State of Texas and moves the Court to dismiss the above entitled and numbered bond forfeiture case (upon payment)(without payment) of costs by the Defendant(s), and reinstate the original bond.

(Deputy) City Attorney

Date

ORDER

It is hereby **Ordered, Adjudged, and Decreed** that the above entitled and numbered bond forfeiture case be dismissed (upon payment of costs)(without payment of costs) by the Defendant(s) and that the original bond be reinstated.

It is further ordered that criminal cause number _____ be docketed for the appearance of the Defendant on the _____ day of _____, 20__.

Judge, Municipal Court

City of _____

County, Texas

Agreed, upon condition that reinstatement filed and terms complied with by _____:

(Deputy) City Attorney Date

Defendant/Surety Date

(municipal court seal)

MOTION AND ORDER OF DISMISSAL WITH COSTS

CAUSE NUMBER: _____

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF _____

§

_____ COUNTY, TEXAS

STATE'S MOTION TO DISMISS

Comes now the State of Texas and moves the Court to dismiss the above entitled and numbered cause WITH COSTS to the Defendant(s). The State would show the Court that the requested dismissal is equitable and just for the following reasons:

Reason for dismissal: _____

(Deputy) City Attorney

Date: _____

ORDER

On this date came to be considered the State's motion to dismiss the above entitled cause. The Court, after considering the motion, is of the opinion it should be granted.

It is therefore **Ordered, Adjudged, and Decreed** that the above entitled and numbered *scire facias* case be dismissed with costs.

Signed on this the ____ day of _____, 20__.

Judge, Municipal Court

City of _____

_____ County, Texas

(municipal court seal)

MOTION AND ORDER OF DISMISSAL WITHOUT COSTS

CAUSE NUMBER: _____

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF _____

§

_____ COUNTY, TEXAS

STATE'S MOTION TO DISMISS

Comes now the State of Texas and moves the Court to dismiss the above entitled and numbered cause WITHOUT COSTS to the Defendant(s). The State would show the Court that the requested dismissal is equitable and just for the following reasons:

Reason for dismissal: _____

(Deputy) City Attorney

Date: _____

ORDER

On this date came to be considered the State's motion to dismiss the above entitled cause. The Court, after considering the motion, is of the opinion it should be granted.

It is therefore **Ordered, Adjudged, and Decreed** that the above entitled and numbered *scire facias* case be dismissed without costs.

Signed on this the ____ day of _____, 20__.

Judge, Municipal Court

City of _____

_____ County, Texas

(municipal court seal)

CAUSE NUMBER: _____

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF _____

§

_____ COUNTY, TEXAS

JUDGMENT

On this, the _____ day of _____, 20____, came on for trial the above numbered and entitled cause wherein the State of Texas is Plaintiff and _____ is Defendant; whereupon Defendant (appeared)(failed to answer or appear and wholly defaulted) after being duly notified; trial was to the Court, and it appearing to the Court after consideration of the pleading and the evidence offered and admitted herein, including the bail bond and the judgment nisi on file in this cause, that no sufficient cause is shown for the Defendant's failure to appear on _____, 20____, to answer the charge by complaint accusing (him)(her) of a misdemeanor and that the judgment nisi heretofore rendered against Defendant should be made final.

☐ It is therefore **Ordered, Adjudged, and Decreed** by the court that the State of Texas by and through the said City does have and recover from _____, Defendant, the sum of \$ _____ and \$ _____ in costs of court, for all of which let execution issue on the 11th day after the date of this judgment.

☐ It is therefore **Ordered, Adjudged, and Decreed** that a cash bond in the sum of \$ _____ in all things be forfeited.

Signed on this the _____ day of _____, 20____.

Judge, Municipal Court

City of _____

County, Texas

(municipal court seal)

(Deputy) City Attorney

Defendant/Attorney

CAUSE NUMBER: _____

STATE OF TEXAS

VS.

§

§

§

IN THE MUNICIPAL COURT

CITY OF _____

_____ COUNTY, TEXAS

JUDGMENT

On this, the ____ day of _____, 20__, came on for trial the above numbered and entitled cause wherein the State of Texas is Plaintiff and _____ is Defendant-Principal and _____ is Defendant-Surety; whereupon Defendant-Principal (appeared)(failed to answer or appear and wholly defaulted) and Defendant-Surety (appeared)(failed to answer or appear and wholly defaulted) after being duly notified; trial was brought to the Court, and it appearing to the Court after consideration of the pleading and the evidence offered and admitted herein, including the bail bond and the judgment nisi on file in this cause, that no sufficient cause is shown for the Defendant-Principal's failure to appear on the ____ day of _____, 20__, to answer the charge by complaint accusing (him)(her) of a misdemeanor and that the judgment nisi heretofore rendered against Defendant-Principal should be made final, and that the interlocutory judgment nisi dated the ____ day of _____, 20__ against _____ Defendant-Principal and Defendant-Surety should be made final.

It is therefore **Ordered, Adjudged, and Decreed** by the Court that the State of Texas through the said city does have and recover from _____ as Defendant-Principal and from _____ as Defendant-Surety, on the bail bond of the said Defendant-Principal, jointly and severally, the sum of \$ _____ each, and \$ _____ in costs of court, for all of which let execution issue on the 11th day after the date of this judgment.

Signed on this the ____ day of _____, 20__.

Judge, Municipal Court

City of _____

_____ County, Texas

(Deputy) City Attorney

Defendant/Surety Attorney

(municipal court seal)

AGREED FINAL JUDGMENT

CAUSE NUMBER: _____

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF _____

§

_____ COUNTY, TEXAS

JUDGMENT

On this date set forth below came to be heard for trial the above numbered and entitled cause wherein the State of Texas is Plaintiff and _____ is Defendant-Principal and _____ is Defendant-Surety; whereupon Defendant-Principal and Defendant-Surety appeared (by counsel); and it appearing to the Court after consideration of the evidence and the pleading herein, including the bail bond and the judgment nisi on file in this cause, that no sufficient cause is shown for the Defendant-Principal's failure to appear on _____, 20__, to answer the complaint accusing them of a misdemeanor, to wit: _____, and that the judgment nisi heretofore rendered against Defendant-Principal and Defendant-Surety should be made final.

It is therefore **Ordered, Adjudged, and Decreed** by the Court that the State of Texas does have and recover from the Defendant-Principal and Defendant-Surety on the bail bond of said Defendant-Principal, jointly and severally, the sum of \$ _____ and (no costs of court)(with costs of court), for all of which let execution issue on the 11th day after the date of this judgment.

Signed on this the ____ day of _____, 20__.

Judge, Municipal Court

City of _____

_____ County, Texas

(municipal court seal)

(Deputy) City Attorney

Defendant/Principal Attorney

Defendant/Surety Attorney