



United States District Court
DISTRICT OF MINNESOTA

LR 67.3 BONDS AND SURETIES

(a) General Requirements. Every bond must be executed by the principal obligor and, if applicable, one or more sureties qualified as provided in this rule.

(b) Not Qualified as Sureties. Unless the court orders otherwise, the following persons may not serve as sureties on any bond:

- (1) an employee of the United States District Court, District of Minnesota;
- (2) an employee of the United States Marshals Service for the District of Minnesota; and
- (3) a member of the bar of the United States District Court, District of Minnesota, or any such member's agent.

(c) Corporate Sureties.

- (1) A corporate surety must be qualified to write bonds under 31 U.S.C. §§ 9301-9309 and approved by the Secretary of the Treasury of the United States.
- (2) The representative of the corporate surety that signs the bond must attach to the bond a power of attorney that establishes the representative's authority to bind the corporate surety.

(d) Real-Property Bonds.

- (1) A person may serve as a surety on a real-property bond only by court order. A person seeking permission to serve as a surety on a real-property bond must:
 - (A) offer as security real property located in the State of Minnesota of an unencumbered value equal to or greater than the stated amount of the bond;
 - (B) be competent to convey the real property; and
 - (C) submit an affidavit and supporting documents including:

- (i) a legal description of the real property;
- (ii) a complete list of all encumbrances and liens on the real property;
- (iii) a current appraisal of the real property by a qualified appraiser;
- (iv) a waiver of inchoate rights;
- (v) a certification that the real property is not exempt from execution; and
- (vi) proof of payment of property taxes.

(2) Within 14 days after the court approves the real-property bond, the surety must file with the court a copy of a notice of encumbrance filed by the surety with the county recorder or registrar of titles that identifies the bond as an encumbrance on the real property.

(3) A real-property bond will be released only by court order.

(e) Cost Bonds. The court may, on motion or on its own, order a party to file a bond or other security for costs in an amount, and subject to conditions, specified by the court.

(f) Cash Bonds. Deposit of cash bonds is governed by LR 67.1. Withdrawal of cash bonds is governed by LR 67.2.

(g) Personal-Recognizance Bond. On a personal-recognizance bond, the obligor promises to comply with all conditions imposed by the court. An obligor that fails to comply with a condition or fails to appear will be subject to penalties as authorized by statute.

(h) Objections. Any party may object to the issuance of a bond.

[Adopted effective January 31, 2011].

2011 Advisory Committee's Note to LR 67.3

To confirm that a corporate surety is qualified to write a bond parties may consult the list of federally approved sureties and reinsuring companies at the website of the United States Department of Treasury.