



OFFICE OF THE CLERK  
**UNITED STATES DISTRICT COURT**  
DISTRICT OF MASSACHUSETTS  
1 COURTHOUSE WAY - SUITE 2300  
BOSTON, MASSACHUSETTS 02210



SARAH A. THORNTON  
CLERK OF COURT

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RECOMMENDED PROCEDURE FOR THE POSTING OF REAL PROPERTY AS  
SECURITY FOR DEFENDANT'S APPEARANCE BOND IN CRIMINAL CASES

- 1) The **appearance bond** must be signed by the person posting the property as a surety, and the first paragraph of the bond should refer to the property as security for the bond.
- 2) A **certification of title** to the property should be required at the defendant's expense to confirm the surety's title to the property and to uncover any liens or encumbrances. This should include a **copy of the surety's deed** to the property.
- 3) An **appraisal** should be required at the defendant's expense from a reputable real estate broker to show that the surety has sufficient equity in the property to cover the amount of the bond.
- 4) A **mortgage** should be prepared by the defendant's attorney in the form hereto annexed. The mortgage should be in the amount of the appearance bond, and it should name the "Clerk. U.S. District Court" as mortgagee (not the United States of America). When recorded, this mortgage will cloud the title to the property, thereby preventing the possibility of the surety conveying title to the property until final disposition of the criminal case. Note that the mortgage also requires **maintenance of insurance** on the property with the "Clerk. U.S. District Court" named as loss payee jointly with the surety.
- 5) An **escrow agreement** should be prepared by the defendant's attorney in the form annexed. The agreement requires that the surety deliver to the Clerk a quitclaim deed as indicated in paragraph #6, which will be held in escrow in accordance with the terms of the agreement.
- 6) A **quitclaim deed** should be prepared by the defendant's attorney which conveys title to the property from the surety to the "United States of America." The deed is delivered to the Clerk when the escrow agreement is executed. In the case of default, the government can take the property by simply recording the quitclaim deed.
- 7) The defendant's attorney should be required to **record the mortgage**, to instruct the Registry of Deeds to return the original to the Clerk after processing, and to provide the Court with evidence of its recording (i.e., a copy containing the Registry's filing stamp, book and page number, etc.). It is recommended that the defendant remain in custody until this process has been completed.
- 8) Questions about this procedure should be directed to either Mary Cummings (748-9123) or Sheila Diskes (748-9179).