

Rule 39-105. Bonds

39-105.1 No attorney, judge or any elected or appointed county official having decisional powers related to the judicial process of the County shall be accepted as surety in any suit, action, prosecution or proceeding pending in the several Courts of the 39th Judicial District, provided, however, that this Rule shall not forbid any such person from being accepted as principal or surety in any action or proceeding in which such person is personally involved as a party.

39-105.2 No corporation shall be accepted as surety upon any bond to be approved by the Court, Prothonotary or Clerk, unless said corporation has filed in the office of the Prothonotary of the County in which the said bond is to be approved, the certificate issued by the Insurance Commissioner of Pennsylvania authorizing it to become surety on all bonds, obligations and undertakings and certifies that such certificate has not been revoked by the Insurance Commissioner.

39-105.3 In all cases where a surety other than a corporation referred to in the preceding Rule is required to be approved by the Court, Prothonotary or Clerk, the party offering the surety for approval shall, at the same time, present an affidavit of the surety in the following form which shall be provided by the Prothonotary:

COMMONWEALTH OF PENNSYLVANIA :
 : SS
COUNTY OF :

The undersigned, being considered as proper surety in the above entitled case and being duly sworn according to law, deposes and says:

1. My (our) full post office address is _____.
2. I (we) own real estate in Franklin/Fulton County, Pennsylvania in fee simple in my (our) name(s) having a fair market value of at least \$_____.
3. Said real estate is recorded in my (our) name(s) in Franklin/Fulton County Deed Book Volume ____, Page ____, and the deed is dated _____.
4. Recorded liens on the real estate are as follows:
 - (a) Mortgage to _____, the present principal balance of which is \$_____.
 - (b) Judgment in favor of _____, the principal balance of which is \$_____.
 - (c) Other. (If none, state so specifically).

5. No debt for which a lien is noted is in default.

6. I (we) have a net worth, that is, a difference between total assets and total debts, of at least \$ _____.

7. I (we) will notify the Court of any material change in the foregoing so long as I (we) am (are) bound as surety in this case Law Clerk to make an appointment with the motion Judge to discuss the matter.

Sworn and subscribed to before me this
_____ day of _____, _____.

And when applicable, the following:

Notice of application for approval of the above surety has been given to attorneys for all adverse parties on this _____ day of _____, _____.

39-105.4. The Prothonotary or Clerk of the Courts and their respective first deputies shall be the proper authority before whom security may be filed and justified, with power to administer oath and take the necessary recognizances in any case where the approval of the Court or a Judge thereof is not required.