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**DISTRICT COURT OF MARYLAND**  
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September 3, 2013

## REVISED POLICY ON BOND FORFEITURE APPEALS

Dear Professional Surety:

The District Court Headquarters policy regarding a graduated implementation of practices and procedures for handling bond forfeitures in appeal status has been revised for clarification and to comply with Rule 4-217 (d) as follows.

- **Appeals filed prior to 10/1/2011** - Sureties will continue to be given an "unofficial" stay until the appeal is ruled on.
- **Appeals filed from 10/1/2011 through 5/10/2013** - Sureties will be given until 6/30/2013 to file a Motion to Stay and Motion to Set Supersedeas Bond.
  - Sureties will not be placed in default status for the forfeiture while the motion is pending, and the "unofficial" stay will be in place beginning 5/22/13.
  - If judge denies the stay, the forfeiture remains on the list and the surety will be placed into default unless full payment is made.
  - If the judge grants the motion and sets a bond, the surety has 30 days from the date granted to post the supersedeas bond.
  - If the judge grants the motion and does not require a bond or other conditions, the surety will not be placed into default status.
- **Appeals filed after 5/10/2013** – The surety must pay within the 90 days (180 if extended) of the date forfeited.
  - If payment is not made, the surety may file a Supersedeas Bond or other security under Rule 3-362(d) and 8-422(a).
  - If enforcement is stayed, it is stayed only from the time security is filed; the court may determine that enforcement of the judgment should not be stayed by the filing of the supersedeas bond or other

security, and may enter an order denying the stay or permitting a stay only on the terms stated in the order.

- If the judge denies the stay, forfeiture remains on the list and the surety will be placed into default unless and until full payment is made.
- Until the supersedeas bond is posted and a stay has been granted, the surety is vulnerable and can be placed into default on the default date.

Your patience and cooperation during implementation of these new procedures is greatly appreciated. Please direct any questions or comments regarding the new procedures in writing to Polly Harding, Administrator of Administrative Services at District Court Headquarters or by email to [polly.harding@mdcourts.gov](mailto:polly.harding@mdcourts.gov). Any questions regarding the status of District Court or circuit court bond forfeiture should be directed to the appropriate court location.

Sincerely,



Joan E. Baer  
Assistant Chief Clerk

cc: The Honorable Ben C. Clyburn, Chief Judge  
Roberta L. Warnken, Chief Clerk  
David Durfee, Esq., Executive Director of Legal Affairs  
Jamie Walter, Assistant Chief Clerk, Operations  
Polly Harding, Administrator  
Administrative Clerks