6-31/640.00 Personal Sureties

A personal surety on a bond is sufficient if all conditions are satisfied:

- The surety is a person other than the principal. No officer of the court or member of the State Bar shall act as a surety (CCP 995.510(a)(1))
- The surety is a resident, and either an owner of real property or householder, within the state(CCP 995.510(a)(2))
- The surety is worth the amount of the bond in real or personal property, or both, situated in this state, over and above all debts and liabilities, exclusive of property exempt from enforcement of a money judgment (CCP 995.510(a)(3))

If the undertaking be given by individual or personal sureties, it must be accompanied by an affidavit of qualifications of each surety containing the surety. (CCP 995.520(a))

The affidavit shall contain all of the following:

- The name, occupation, residence address, and business address (if any) of the surety (CCP 995.520(b)(1))
- A statement that the surety is a resident, and either an owner of real property or householder, within the state (CCP 995.520(b)(2))
- A statement that the surety is worth the amount of the bond in real or personal property, or both, situated in this state, over and above all debts and liabilities, exclusive of property exempt from enforcement of a money judgment (CCP 995.520(b)(3))

If the bind exceeds $5,000, the affidavit shall also include:

- A description sufficient for identification of real and personal property of the surety situated in this state and the nature of the surety's interest therein that qualifies the surety on the bond (CCP 995.520(c)(1))
- The surety's best estimate of the fair market value of each item of property (CCP 995.520(c)(2))
- A statement of any charge or lien and its amount, known to the surety, whether of public record or not, against any item of property (CCP 995.520(c)(3))
- Any other impediment or cloud known to the surety on the free right of possession, use, benefit, or enjoyment of the property (CCP 995.520(c)(4))

If the amount of the bond exceeds $10,000 and is executed by more than two sureties, the affidavit may state that the surety is worth less than the amount of the bond and the bond may stipulate that the liability of the surety is limited to the worth of the surety stated in the affidavit, so long as the aggregate worth of all sureties executing the bond is twice the amount of the bond. (CCP 995.520(d))