IN THE 19TH JUDICIAL DISTRICT OF TENNESSEE
CIRCUIT COURT OF MONTGOMERY COUNTY

IN RE: _____ **Case #:** _____
(Name of Bonding Company)

PETITION FOR APPROVAL TO ESTABLISH A COMMERCIAL BAIL BONDING COMPANY

The bonding company named herein hereby petitions the Court for approval to operate a bail bonding company and to secure bonds in Montgomery County, Tennessee and provides the following information which is required by statute and by the Nineteenth Judicial District Bonding Company Rules.

1. Name of Bonding Company: _____

   Business Office Address: _____

   _____

   Business Telephone Number: _____

   Business Fax Number: _____

   Business Email Address: _____

2. Petitioners must file a copy of the current business license issued for this bonding company. **Copy shall be attached to this petition and marked as Exhibit A.**

3. Petitioners shall attach an affidavit identifying every owner, partner, shareholder, agent, representative, employee, or person having a financial or managerial interest in the bonding company, which clearly outlines what their roles will be in said bonding

company. Information to be provided shall include full name, address, date of birth and contact information. **Such affidavit(s) shall be attached to this petition and marked as Exhibit B.**

4. Petitioners shall submit a complete drug screen of the owner, and each prospective agent, which has been performed by the County Probation office located in the Montgomery County Courts Complex, and which has been performed within 48 hours of the date of filing this petition for permission to write bonds. Petitioners are responsible for costs of drug testing. **Drug screen reports shall be attached to this petition and marked as Exhibit C.**

5. Petitioners must submit a copy of all organizational documents (e.g. corporate charter, partnership agreement) and all other agreements or documents pertaining to the identity of the owners and interest holders in said company, the distribution of profits from said company, the source of all funds used to establish the company, and the names of those persons who will personally be liable for forfeiture judgments. **Said copies shall be attached to this petition and marked as Exhibit D.**

6. Has petitioners, owners, agents, representatives or employees either individually or as a corporation owner, been discharged in a bankruptcy proceeding leaving unsatisfied outstanding forfeitures with any court: _____ Yes _____ No.

   a. Has petitioners, owners, agents, representatives or employees of said bonding company received any type of disciplinary actions such as suspensions or terminations in any jurisdiction? If so, please list them:

   _____

   _____

   _____

   b. Petitioners shall list any pending civil litigation seeking monetary damages or injunctive relief against the owners of said bonding company or all final civil judgments:

   _____

   _____

7. Petitioners shall attach a sworn statement under oath and penalty of perjury for all persons identified in section 3 above which lists:

a. All prior criminal charges, whether resulting in a conviction or not, along with the disposition of the charge and the jurisdiction, as well as all other information required by T.C.A. 40-11-317;

b. Describe all relations to any other owner, interest holder or agent of a bail bond company authorized to do business in Montgomery County or Robertson County;

c. A statement as to whether petitioners, owners, agents, representatives or employees have ever been an owner, interest holder or agent of a bail bond company authorized to do business in Montgomery County or Robertson County;

d. A statement as to whether petitioners, owners, agents, representatives or employees are related by blood or marriage to any person who works for the Circuit Court Clerk, Sheriff's Department, to include the Jail, or any Judge or Magistrate of Montgomery County or Robertson County, any Attorney or other person with the power to arrest or having anything to do with control of federal or state prisoners;

e. Petitioners are required to submit a statement that the petitioners, owners, agents, representatives or employees have read and are aware of the requirements of T.C.A. 40-11-301, et seq. and 40-11-401, et seq., pertaining to the rules governing professional bonds persons and requirements for continuing education, and the 19th Judicial District Bail Bonding Company Rules governing bonding companies. **Sworn Statements shall be attached to this petition and marked as Collective Exhibit E.**

8. Petitioners must submit proof that the Owner(s) of said bonding company possesses two (2) years of experience with a professional bonding company in good standing as required by TCA 40-11-317. **Such proof shall be attached to this petition and marked as Exhibit F.**

9. Petitioners are required to submit criminal background checks on all owners, agents, representatives or employees from the Tennessee Bureau of Investigation at the expense of the petitioning bonding company. **Criminal Background checks shall be attached to this petition and marked as Exhibit G.**

COLLATERAL PLEDGED WITH THE COURT TO SECURE BONDS

Petitioners will be securing bonds as follows:

_____ **Cash Deposits** - $50,000.00 minimum

Cash collateral posted is via a Certified Cashier's Check, which is to be paid into the Circuit Court Clerk's Office and will be invested in Certificates of Deposits issued by a federally insured financial institution chosen by the Circuit Court Clerk. Certificates of Deposits will be issued in the names of the Bonding Company and the Circuit Court Clerk, as Trustee for the Bonding Company, and shall require either the signatures of both the Clerk and the owner of the Bonding Company or a Court Order before being withdrawn. Accrued interest will be paid to the Bonding Company.

Amount of collateral to be posted in cash $ _____

Bonding Companies Federal Tax ID # _____

Bonding Company capacity limits will be set at 10 (ten) times the amount of the cash deposit. No company shall be permitted to write a single bond for a sum greater than which they have on deposit with the Court.

_____ **Cash Deposit and Real Property Equity**

Cash collateral, of a $50,000.00 minimum, posted is via a Certified Cashier's Check, which is to be paid into the Circuit Court Clerk's Office and will be invested in Certificates of Deposits issued by a federally insured financial institution chosen by the Circuit Court Clerk. Certificates of Deposits will be issued in the names of the Bonding Company and the Circuit Court Clerk, as Trustee for the Bonding Company, and shall require either the signatures of both the Clerk and the owner of the Bonding Company or a Court Order before being withdrawn. Accrued interest will be paid to the Bonding Company.

For Real Property Equity Pledged – Petition must have attached for each parcel of real property – a copy of the current owners deed, an attorneys title opinion listing all liens or encumbrances on the property, which may not exceed 30% of appraised value, and an appraisal from a certified real estate appraiser or the appraised value of the real property as determined by the assessor of property and a "pay off" letter from all lien holders. Once approved by the Court, all persons and/or entities with an ownership interest must execute a Deed of Trust conveying the real estate in trust to the Circuit Court Clerk, as Trustee to secure obligations of bonding entities. After the Court has approved this petition, the Deed of Trust for all real property parcels posted as collateral must be recorded in the office of the Register of Deeds, with all preparation and recording fees to be paid by the petitioner. The owners of the real property may not sell or further encumber the real property. **Title opinions, appraisals, etc. as specified above for all real property being posted as collateral must be attached to this petition and marked as Collective Exhibit H.**

Amount of collateral to be posted in cash $ _____

Real Property Equity being pledged $_____

Bonding Companies Federal Tax ID # _____

Bonding Company capacity limits will be set at 10 (ten) times the amount of the cash deposit and the Real Property Equity pledged.

_____ **Surety Insurance**

Must be Limited Insurance Producers licensed through the State of Tennessee, Department of Commerce and Insurance (TCA 56-2-105, 56-2-201 (6)(c) and 56-15-101 to 115). Copies of the Certificate of Authority and Licenses for each agent shall be filed with Petition. Petitioner must also file a copy of their last sworn Quarterly Financial Report filed with the Department of Commerce and Insurance, copies of any business contracts with agents, which outline the terms and conditions of agent agreement and a copy of their Power of Attorney forms. Such insurance companies will only be allowed to make bail bonds in this district through

licensed agents maintaining a principle place of residence within this district.

The petition must provide a list of all jurisdictions in all states in which it does business as surety for a professional bondsman, a list of all outstanding conditional and final forfeitures in all jurisdictions, a list of all disciplinary actions taken by any court in all jurisdictions. Moreover, the petition shall provide the name of the person responsible for the payment of final forfeitures, the exact address of that person, an email address for that person and a land line telephone number for that person. **All required copies, documents, reports, etc. relating to Surety Insurance as specified above must be attached to this petition and marked as Collective Exhibit I.**

Total Capacity Limit Authorized by Insurance Company:

$_____

Service of Process Address for Insurance Company:

_____

_____

_____

The undersigned hereby swears under the penalty of perjury that the statements made in the foregoing petition are true and correct.

_____ _____

Date Bonding Company

By: _____

Title: _____

STATE OF TENNESSEE
COUNTY OF MONTGOMERY

Sworn to and subscribed before me, this the _____ day of _____, 20____.

_____
Notary's Signature and Seal

My Commission Expires: _____

I hereby certify that a copy of this pleading has been furnished to the office of the District Attorney General, 101 North 3rd Street, Clarksville, Tennessee 37040, by hand delivering, on this the _____ day of _____, 20___.

_____
Petitioner