District Local Rule Civ 65.2 (Civil)

BONDS AND OTHER SURETIES

(a) **Bonds and Sureties.**

(1) When Required. A judge may, upon demand of any party, where authorized by law and for good cause shown, require any party to furnish security for costs which may be awarded against such party in an amount and on such items as are appropriate.

(2) Qualifications of Surety.

(A) Every bond must have as surety either: (i) a corporation authorized by the Secretary of the Treasury of the United States to act as surety on official bonds under 31 U.S.C. §§ 9301-9308; (ii) a corporation authorized to act as surety under the laws of the State of Idaho; (iii) two individual residents of the District, each of whom owns real or personal property within the District of sufficient equity value to justify twice the amount of the bond; or (iv) a cash deposit of the required amount made with the Clerk and filed with a bond signed by the principals.

(B) An individual who executes a bond as a surety pursuant to this subsection will attach an affidavit which gives the individual's full name, occupation, residence, and business addresses, and demonstrates ownership of real or personal property within this District. After excluding property exempt from execution and deducting liabilities (including those which have arisen by virtue of suretyship on other bonds or undertakings), the real or personal property must be valued at no less than twice the amount of the bond.

(3) Court Officers as Sureties. No clerk, marshal, or other employee of the Court nor any member of the bar representing a party in the particular action or proceeding, shall be accepted as surety on any bond or other undertaking in any action or proceeding in this Court. Cash deposits on bonds may be made by members of the bar on certification that the funds are the property of a specified person who has signed as surety on the bond. Upon exoneration of the bond, such monies must be returned to the owner and not to the attorney.

(4) Examination of Sureties. Any party may apply for an order requiring any opposing party to show cause why it should not be required to furnish further or different security or requiring personal sureties to justify their financial status in support of their bond.

(b) **Approval of Bonds by Attorneys and Clerk (or Judge).** All personal surety bonds must be presented to the judge for approval. When the party is represented by counsel, there must be appended thereto a certificate of the attorney for the party for whom the bond is being filed substantially in the following form:

> This bond has been examined by counsel for (plaintiff/defendant) and is recommended for approval as provided in this rule.
>
> Dated this _____ day of _____, ____.
>
> _____
>
> (attorney)

Such endorsement by the attorney will signify to the Court that said attorney has carefully examined the said financial information of the personal surety; that the attorney knows the contents thereof; that the attorney knows the purposes for which it is executed; that in the attorney's opinion the same is in due form; and that the attorney believes the affidavits of qualification to be true.

RELATED AUTHORITY

Fed. R. Civ. P. 65(c), 65.1