

INSTRUCTIONS for FILING a MOTION to EXONERATE / RELEASE BOND

STEP 1 FILL OUT THE MOTION and the ORDER

A. Complete the information at the top left of the page:

- Fill in the information requested about you, the person filing this “Motion to Exonerate / Release Bond.” If you have no lawyer, mark the box “Self.”
- Write in the case number on the right side of the page.
- Write in the name of the Petitioner/Party A, and the Respondent/Party B’s name.

B. Information about your case:

- Write in the name of the person asking for the release of the bond.
- Mark the box that answers the question about who owns the bond property.
- Date you posted bond: If you do not know the date, you may find it online, with your case history, or at the Law Library Resource Center.
- Reasons for exoneration: Mark the box(es) that state your reason(s) for the request.

C. Request to the Court:

- Mark the box that states your request.
- Attached Proof: Mark the box(es) that describes the kind of proof of ownership you attached to the application.
- Sign and date the Motion.

D. Order:

- Fill in the information on the top half of the form, as described in part A. above.
- Amount: Write in the amount of the bond after the dollar sign.
- Information about the Person: Write in the name, address, city, state, and zip code of the person who will receive the warrant/check.
- DO NOT SIGN this order. The Judge will sign the order upon approval.

STEP 2 PHOTOCOPY: Use your completed Motion and Order, and

- Make two **(2)** photocopies of the Motion and Order.
- After photocopying, you should have 1 original Motion/Order set and 2 photocopied sets = 3 sets.

STEP 3 FILE the ORIGINAL FORM SET at the CLERK OF SUPERIOR COURT at a convenient location:

Central Court Building
201 West Jefferson, 1st floor
Phoenix, Arizona 85003

Northwest Court Complex
14264 West Tierra Buena Lane
Surprise, Arizona 85374

Southeast Court Complex
222 East Javelina Avenue, 1st floor
Mesa, Arizona 85210

Northeast Court Complex
18380 North 40th Street
Phoenix, Arizona 85032

- Court is open from 8:00 A.M. to 5:00 P.M., Monday through Friday, except holidays. You may file at any of the above court locations.
- Go to the Clerk of Superior Court's Filing Counter. Hand over the original **Motion**, and **two copies** of the Motion. Wait for the Clerk of Superior Court to stamp the copies, and return to you two (2) stamped Motions.

STEP 4 GO TO the FAMILY DEPARTMENT Customer Service Window

- If you need help finding the Family Department, ask the court staff at the Information Desk.
- Ask the Family Department staff the courtroom number, and name of the judge assigned to your case.

STEP 5 DELIVER ONE COPY to the JUDGE assigned to your case

- Deliver one copy of the Motion, and the original Order to the Judge assigned to your case.
- The Court will notify you after the judge signs the Order.
- Keep the remaining Motion and Order for your records.

STEP 6 OBTAIN a CERTIFIED COPY of the ORDER

- If the judge grants your motion, the Clerk of Superior Court, Accounting Unit – Bond Disbursements will mail a check to the address you provided in the court order in 5 – 7 business days.
- To expedite the release of funds, you may purchase a certified copy of the order and deliver it to 175 W Madison 12th Fl. Phoenix, AZ 85003. The Clerk of Superior Court, Accounting Unit-Bond Disbursements will mail a check to the address you provided in the court order in 1-2 business days.

STEP 7 MAIL or DELIVER

- **Mail** the Certified Copy of the Order to Clerk of Superior Court, Accounting Unit – Bond Disbursements, 201 West Jefferson – 1st Floor, Phoenix, AZ 85003.
- OR -
- **Deliver** the Order to the Family Department Filing Counter, 201 West Jefferson, 3rd floor, Phoenix, AZ 85003.
- The Clerk of Superior Court will mail a check to the address you provided in the court order.

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____

FOR CLERK'S USE ONLY

Representing Self, without a Lawyer or Attorney for Petitioner OR Respondent

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

Case Number: _____

Name of Petitioner / Party A

MOTION to RELEASE BOND In a FAMILY CASE

Name of Respondent / Party B

INFORMATION ABOUT YOUR CASE:

1. **NAME of PERSON** requesting bond be exonerated/released: _____

The person above is Party A Party B Other _____

2. **The AMOUNT of the BOND:** \$ _____

3. **Are you the person who posted the bond property?** Yes No

4. **Do you have a receipt for your posting of the bond?** Yes No

5. **The DATE you posted the BOND:** _____

6. **REASONS the BOND SHOULD BE EXONERATED to ME:** (See A.R.S. § 44-301 through § 44-319)

I posted the bond, and I can prove that fact by showing my bond receipt attached to this request.

- I posted the bond**, and I can prove that fact by my affidavit stating this fact, attached to this sheet.
- More than 3 years.** The bond in this case was posted with the Court more than three (3) years ago.
- Notice from the Clerk of Superior Court.** I received a letter from the Clerk of Court indicating that more than three years have passed and that the Clerk of Superior Court would be required to send the money to the State of Arizona if the owner of the property did not claim the property. (I attached letter from the Clerk of Superior Court.)
- Other reason:** _____

REQUEST TO THE COURT:

- I respectfully request the Court to order the Clerk of Superior Court to exonerate/release the bond to me.
- I attached the notice from the Clerk of Superior Court.**
- I attached the receipt for when I posted the bond.**
- I attached an affidavit stating under oath that I posted the bond.**

Under penalty of perjury, I state the above information is true and correct.

Signature of person requesting bond to be released/exonerated

Date

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
ATLAS Number: _____
Lawyer's Bar Number: _____

FOR CLERK'S USE ONLY

Representing Self, without a Lawyer or Attorney for Petitioner OR Respondent

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

Case Number: _____

Petitioner / Party A

ORDER to RELEASE / EXONERATE BOND in a FAMILY CASE

Respondent / Party B

THE COURT FINDS:

1. This case has come before the Court for a final Order. If necessary, the Court has taken any testimony needed to enter a final Order.
2. This Court has jurisdiction over the parties under the law.
3. Where it has the legal power to do so and where it is applicable to the facts of this case, this Court has considered, approved, and made an Order to exonerate the bond to the following person:

Name of person to
receive warrant/check: _____

Address: _____

City, State, Zip Code: _____

THE COURT ORDERS: This Court makes further Orders relating to this matter as follows:

Based on the Motion and good cause appearing, it is ordered that the cash bond previously posted in the total amount of \$ _____ is exonerated / released. The Clerk of Superior Court is directed to send a warrant/check for the bond amount to the individual whose name and address appears above.

DONE IN OPEN COURT _____

JUDICIAL OFFICER