

IN THE DISTRICT COURT OF \_\_\_\_\_, STATE OF \_\_\_\_\_

THE STATE OF KANSAS , )  
Plaintiff )  
Vs: )  
 )  
 )  
 )  
Defendant )

CASE #: \_\_\_\_\_

**MOTION TO SET ASIDE BOND FORFEITURE AND TO EXONERATE BOND**

Come now \_\_\_\_\_, bail bondsman, on behalf of Himself and the duly authorized agent of \_\_\_\_\_ and respectfully moves this Honorable Court to set aside its Order and Judgment of Forfeiture filed herein on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, which provides that said appearance bond in the amount of \$ \_\_\_\_\_, executed by the applicant on \_\_\_\_\_, 202\_\_\_\_ herein be forfeited.

As grounds for said Motion to Set Aside Bond Forfeiture, movant states:

1. That at all times during the pendency of this action, movant has made good faith and exercised diligent efforts to insure the appearance of the said defendant, \_\_\_\_\_
2. That the said defendant, \_\_\_\_\_ is in custody in \_\_\_\_\_.
3. \_\_\_\_\_

WHEREFORE, premises considered movant respectfully moves the Court to set aside its Order and Judgment of Forfeiture and to exonerate the bond.

Respectfully submitted,

\_\_\_\_\_  
Bail Bondsman

**CERTIFICATE**

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I had delivered a true and correct copy of the above motion to the office of the District Attorney, \_\_\_\_\_ County Courthouse, \_\_\_\_\_, \_\_\_\_\_, and to the Clerk of the District Court of \_\_\_\_\_ County, Kansas.

\_\_\_\_\_  
Bail Bondsman

ORDER CONCERNING SURETY'S REQUEST FOR DISCHARGE OF SURETY

In the District Court of \_\_\_\_\_ County, Kansas

State of Kansas,  
Plaintiff,  
VS

\_\_\_\_\_  
Defendant

Case #: \_\_\_\_\_

After having considered surety's Request for Discharge of Surety, the court finds as follows: (check one)

\_\_\_\_\_(Surety), surety should be released in full from further responsibility and liability on the appearance bond in the above referenced case;

\_\_\_\_\_(Surety), should not be released until the matter is heard by the court. The case is set for:

Date: \_\_\_\_\_ at Time: \_\_\_\_\_

IT IS SO ORDERED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Judge Signature

IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, STATE OF KANSAS

STATE OF KANSAS  
Plaintiff

Vs.

Case No. \_\_\_\_\_

\_\_\_\_\_  
Defendant

**NOTICE OF SURRENDER & BONDSMAN'S AFFIDAVIT**

State of Kansas)

County of \_\_\_\_\_) SS

The undersigned bond agent, Being First Duly Sworn, alleges and states;  
Defendant has been arrested upon my authority pursuant to K.S.A. 22-2809, or has been arrested under separate authority of the State Of Kansas. I request that the Surety be discharged from liability on the bond previously filed with the court in the amount of \$ \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and that any motion to forfeit the bond is set aside. I certify that the Court records show that the charge on which the defendant is being surrendered is still pending in this Court. The reasons justifying my arrest of the defendant and for which I am requesting discharge are as follows:

\_\_\_\_\_

Surety states, under penalty of perjury, that the foregoing is true and correct.

Executed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Printed Agent's Name \_\_\_\_\_

Company Name \_\_\_\_\_

**ACCEPTANCE OF DEFENDANT**

**FACILITY to which defendant has been surrendered:** \_\_\_\_\_

**Date and time of surrender: Date:** \_\_\_\_\_ **Time:** \_\_\_\_\_

\_\_\_\_\_  
***(Signature and Printed Name)***

District/County Attorney Signature \_\_\_\_\_  
*(if required)*

**COURT DISCHARGE OF SURETY**

Surety Discharged on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by Judge

\_\_\_\_\_  
*Printed Name*

\_\_\_\_\_  
Judge's Signature

IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, STATE OF KANSAS

STATE OF KANSAS  
Plaintiff

Vs.

\_\_\_\_\_ Case No. \_\_\_\_\_  
Defendant

NOTICE OF INCARCERATION & BONDSMAN'S AFFIDAVIT

State of Kansas)

County of \_\_\_\_\_) SS.

The undersigned bond agent, Being First Duly Sworn, alleges and states;  
Defendant has been arrested upon my authority pursuant to K.S.A. 22-2809, or has been arrested under separate authority of the State Of Kansas. I request that the Surety be discharged from liability on the bond previously filed with the court in the amount of \$ \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2023 and that any motion to forfeit the bond is set aside. I certify that the Court records show that the charge on which the defendant is being surrendered is still pending in this Court. The reasons justifying my arrest of the defendant and for which I am requesting discharge are as follows:

\_\_\_\_\_  
\_\_\_\_\_

Surety states, under penalty of perjury, that the foregoing is true and correct.

Executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Bail Agent Signature  
Printed Name \_\_\_\_\_  
Bail Agent's Company \_\_\_\_\_

District/County Attorney Signature \_\_\_\_\_  
(if required)

COURT DISCHARGE OF SURETY

Surety Discharged on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

by Judge \_\_\_\_\_  
*Printed Name*

\_\_\_\_\_  
Judge's Signature

Note: Dates and Names used are for sample Motion. Make sure you change information to meet your needs. Always verify with your Attorney if in doubt.  
IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, KANSAS

STATE OF KANSAS,  
Plaintiff,

VS. Case # \_\_\_\_\_

JOHN DOE  
Defendant.

**MOTION TO SET ASIDE BOND FORFEITURE**

COMES NOW the Surety, (Agent & Company) and moves the Court for an Order setting aside the bond forfeiture previously ordered on the 19<sup>th</sup> day of November, 2022, as relates to the surety.

In support of this Motion the surety states the following facts:

1. K.S.A. 22-2807(a) requires that upon a failure to appear, the court “shall declare a forfeiture of the bail and issue a warrant for the defendant’s arrest.”
2. K.S.A. 22-2807(c)(2)(A) states: “(c) (1) The court may direct that a forfeiture be set aside, upon such conditions as the court may impose, if it appears that justice does not require the enforcement of the forfeiture. (2) The court *shall* direct that a forfeiture be set aside, upon such conditions as the court may impose, if: (B) the warrant required to be issued by subsection (a) was not issued within 14 days of the forfeiture, {Emphasis added}.
3. That as of May 1, 2023, no warrant had been issued in this case. This far exceeds the 14 day mandate set out in the statute.

WHEREFORE, the surety prays that the Court set aside the previously ordered bond forfeiture as it relates to the surety based upon the failure to issue the required warrant.

\_\_\_\_\_  
Bail Agent  
(Company Address)  
123 Any Sttreet  
Any Town, KS zip  
Surety

**NOTICE OF HEARING**

Please take notice that the foregoing Motion will be heard in \_\_\_\_\_ of the District Court of \_\_\_\_\_ County Kansas, at 9:00 A.M. on the 9<sup>th</sup> of June, 2023, or as soon thereafter as counsel can be heard.

*(Note: Add date if you know when setting the hearing with the court clerk, court clerk may set hearing after consulting with court/da/Judge's calender)*

\_\_\_\_\_  
Bail Agent

**CERTIFICATE OF SERVICE**

I, Bail Agent, hereby certify that a copy of the foregoing Motion was served on the \_\_\_\_\_ County District Court Clerk by delivering a copy on this 6<sup>th</sup> day of June, 2023.

\_\_\_\_\_  
Bail Agent

IN THE MUNICIPAL COURT OF \_\_\_\_\_, KANSAS

CITY OF \_\_\_\_\_

VS.

No. \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT

**NOTICE OF DEATH**

COMES NOW the Surety, \_\_\_\_\_, by and through  
\_\_\_\_\_ and formally notifies the Court that the above named  
defendant has died.

Copy of \_\_\_\_\_ attached.

Surety requests to be relieved of liability on the previously posted bond as the  
right and ability of the Surety to surrender this individual or produce him for trial has  
been made impossible by his death.

SUBMITTED BY: \_\_\_\_\_  
Agent for Surety

IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, KANSAS  
CRIMINAL DEPARTMENT

STATE OF KANSAS

VS.

No. \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT

**NOTICE OF DEATH**

COMES NOW the Surety, \_\_\_\_\_, by and through  
\_\_\_\_\_ and formally notifies the Court that the above named  
defendant has died.

Copy of \_\_\_\_\_ attached.

Surety requests to be relieved of liability on the previously posted bond as the  
right and ability of the Surety to surrender this individual or produce him for trial has  
been made impossible by his death.

SUBMITTED BY: \_\_\_\_\_  
Agent for Surety



IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, KANSAS  
CRIMINAL DEPARTMENT

STATE OF KANSAS

VS.

No. 2021-CR-000123

JOHN SMITH,  
DEFENDANT

**NOTICE OF SURRENDER AND INCARCERATION**

COMES NOW the Surety, \_\_\_\_\_, and formally notifies the Court that they have surrendered the above named defendant to the custody of the \_\_\_\_\_ County Sheriff and defendant is currently incarcerated in the \_\_\_\_\_ County Jail (See attached documentation).

Surety further asks that any forfeiture previously ordered be Set Aside in accordance with K.S.A. 22-2807(3).

Surety states, under penalty of perjury, that the foregoing is true and correct.  
Executed on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SUBMITTED BY: \_\_\_\_\_

Agent for the Surety  
Bonding Company Name  
ADDRESS  
CITY, STATE ZIP  
Phone

IN THE MUNICIPAL COURT OF \_\_\_\_\_, KANSAS  
CITY OF \_\_\_\_\_,

VS.

No. \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT

**NOTICE OF INCARCERATION**

COMES NOW the Surety, \_\_\_\_\_, and  
formally notifies the Court that the above named defendant is incarcerated in the

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Surety requests that a detainer be placed on this individual to insure his return to this jurisdiction as he has now been placed beyond the control of the Surety. Surety further asks to be relieved of liability on the previously posted bond as the right and ability of the Surety to surrender this individual has been made impossible by this incarceration. Surety further requests that any forfeiture of this bond be set aside in accordance with K.S.A. 22-2807(3).

Surety states, under penalty of perjury, that it has confirmed the information contained herein on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SUBMITTED BY: \_\_\_\_\_  
Agent for Surety

IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, KANSAS  
CRIMINAL DEPARTMENT

STATE OF KANSAS

VS.

No. \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT

**NOTICE OF INCARCERATION**

COMES NOW the Surety, \_\_\_\_\_, and  
formally notifies the Court that the above named defendant is incarcerated in the

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Surety requests that a detainer be placed on this individual to insure his return to this jurisdiction as he has now been placed beyond the control of the Surety. Surety further asks to be relieved of liability on the previously posted bond as the right and ability of the Surety to surrender this individual has been made impossible by this incarceration. Surety further requests that any forfeiture of this bond be set aside in accordance with K.S.A. 22-2807(3).

Surety states, under penalty of perjury, that it has confirmed the information contained herein on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SUBMITTED BY: \_\_\_\_\_  
Agent for Surety

IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, KANSAS  
Criminal Department

STATE OF KANSAS,

VS.

Case No. \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT

**NOTICE OF SURRENDER**

COMES NOW the Surety, \_\_\_\_\_, and formally notifies the Court that the above named Defendant was surrendered to the \_\_\_\_\_ County Sheriff on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, for the following reason(s):

- The defendant has failed to appear in the above captioned matter.
- The defendant has failed to appear in other court proceedings.
- The defendant has changed his address or employment without notifying the surety in writing.
- The defendant has concealed or attempted to conceal himself from the surety.
- The defendant left the jurisdiction of the court without the permission of the surety or the court.
- The defendant may have violated conditions placed upon the bond by the court or by the surety.
- The defendant has been arrested and/or incarcerated.
- The indemnitor on the bond has attested in writing the desire to be released from the bond.
- The defendant has failed to pay fees due to the surety.
- The defendant or indemnitor provided false information to the surety.
- The defendant has committed an action which could reasonably be interpreted as an intent to cause a bond forfeiture.
- The defendant or indemnitor has disposed of or attempted to dispose of any property given as collateral to secure the bond.
- The charges in the complaint have been altered, amended or enhanced such that the defendant's potential sentence has increased since the initial posting of bail.
- The defendant requests the surrender.
- Other: \_\_\_\_\_

Surety requests to be relieved of liability on the previously posted bond based upon the aforementioned surrender.

SUBMITTED AND SWORN BY: \_\_\_\_\_  
AGENT for the Surety

IN THE MUNICIPAL COURT OF \_\_\_\_\_,  
KANSAS

CITY OF \_\_\_\_\_

VS.

Case No. \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT

**NOTICE OF SURRENDER**

COMES NOW the Surety, \_\_\_\_\_, and formally notifies the Court that the above named defendant was surrendered to the \_\_\_\_\_ County Sheriff on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Surety requests to be relieved of liability on the previously posted bond based upon aforementioned .

SUBMITTED BY: \_\_\_\_\_  
AGENT for the Surety

# PRISONER BODY RECEIPT

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

K.S.A. 22-2809

I hereby certify that I have received a certified copy of the bond(s) and/or the defendant, \_\_\_\_\_, in the case(s) listed below, from an Agent of \_\_\_\_\_, the surety.

NOW, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, the above named defendant is being surrendered to the local authorities and held in custody until released as provided by law on the following case(s).

Case Number \_\_\_\_\_ Bond Amount \$ \_\_\_\_\_

Case Number \_\_\_\_\_ Bond Amount \$ \_\_\_\_\_

Case Number \_\_\_\_\_ Bond Amount \$ \_\_\_\_\_

Case Number \_\_\_\_\_ Bond Amount \$ \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF RECEIVING OFFICER

\_\_\_\_\_  
AGENCY

\_\_\_\_\_  
DATE