

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

(HAND OUT TO ATTORNEY)

**GUIDELINES FOR POSTING A PROPERTY BOND**

The following guidelines are for the attorney appointed or retained for a defendant appearing in the Southern District of Ohio, Western Division at Cincinnati.

Please be advised that **you are responsible for registering the lien** with the County in which the property resides. Registration is made through the use of a Lis Pendens. This Lis Pendens must be registered forthwith. (See attached example for the Lis Pendens.)

The bond will not be executed until proof of registration is made to the U.S. District Court Clerk's Office.

The filing and releasing of a Notice of Lis Pendens (**certified** copy) should be filed with the Recorder's Office of the county where the property resides.

All Ohio County Recorder's Office details available at: <http://www.ohiorecorders.com/rec.html>

**Hamilton County Recorder's Office**

www.recordersoffice.hamilton-co.org  
County Administration Building  
138 E. Court Street  
Cincinnati, Ohio 45202  
(513)946-4570  
(513)946-4577

**Butler County Recorder's Office**

[www.butlercountyohio.org/recorder](http://www.butlercountyohio.org/recorder)  
130 High Street  
Hamilton, Ohio 45011  
513-887-3192

**Clermont County Recorder's Office**

<http://recorder.clermontcountyohio.gov/contactus.aspx>  
101 Main Street  
Batavia, Ohio 45103-2958  
513-732-7236

**Warren County Recorder's Office**

<http://www.co.warren.oh.us/recorder/>  
406 Justice Drive  
Lebanon, Ohio 45036  
513-695-1382

There will be a cost of recording the lis pendens as well as the releasing of the lis pendens. For example, as of February 2007, the Hamilton County Recorder's Office charges \$28.00 for recording the first 2 pages of a document and \$8.00 for each succeeding page. The attorney should confirm this detail

1. Real estate must be located within this judicial district unless the Court otherwise orders.

**REQUIRED DOCUMENTATION (to be brought to the U.S. District Clerk's Office together with the registered Lis Pendens):**

- A **current** mortgage statement showing the **current** mortgage balance. If the real estate is encumbered by a mortgage, the unencumbered value of the real estate must be equal to or greater than the face amount of the bond.
  - The **most recent** tax statement showing that taxes have been paid on the property.
  - Proof of ownership of the Property:** Original Deed: If the original deed is held by the mortgage company, a certified copy will do, as long as all other documentation has been submitted. If the property has been inherited, the new owner must have a quit claim deed or transfer certificate from the Recorder.
2. The owner(s) must complete the Justification of Surety which is part of the Appearance Bond.
    - If the surety posting bond is married, whether the property is in one name or both, the husband **and** wife must complete and sign the Justification of Surety and the Agreement to Forfeit Property.
    - **(Forms to be completed at the U.S. District Clerk's Office.)**

**\* \* \* \* \* PLEASE NOTE \* \* \* \* \***

**EFFECTIVE FEBRUARY 2007**, all property bond papers will be forwarded to the Attorney of Record to hold in his/her custody during the pendency of the criminal action.

- It will be the responsibility of the attorney to file a Motion to Release the Lis Pendens at the completion of the Criminal Action and file proof of such Release with the Court.
- At that time, the attorney shall return **ALL** documentation to the owner/surety.

Example of Lis Pendens Notice

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

USA,

Plaintiff

vs.

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

(NAME OF DEFENDANT),

Defendant

**LIS PENDENS NOTICE**

Notice is hereby given that (SURETY) of (COUNTY, Ohio, being the sole owner(s) of the herein real estate located in (County), Ohio, pledge the entire value of said property as surety of the Appearance Bond in the amount of \$(\_\_\_\_), for (Defendant's name), in the above styled case to the United States District Court for the Southern District of Ohio at Cincinnati on the \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

Said property was conveyed by deed recorded in the (COUNTY) Clerk's Office in Deed Book \_\_\_\_\_, Page \_\_\_\_\_ and is more particularly described as follows:

**See attached copy of deed.**

This Lis Pendens is effective until such time as it is released by the Clerk, United States District Court for the Southern District of Ohio, Western Division at Cincinnati.

**RICHARD W. NAGEL, CLERK OF COURT**

By: \_\_\_\_\_

Deputy Clerk

EXAMPLE of a RELEASE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

USA,

Plaintiff

vs.

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

(NAME OF DEFENDANT),

Defendant

**RELEASE**

Notice is hereby given that the Lis Pendens Notice (copy attached) filed on \_\_\_\_\_, Deed Book \_\_\_\_\_, Page \_\_\_\_\_ in the Recorder's Office, (COUNTY), against the therein described property by the Clerk, United States District Court for the Southern District of Ohio, Western Division at Cincinnati is hereby RELEASED, this (DATE).

Said property was conveyed by deed recorded in the (COUNTY) Recorder's Office in Deed Book \_\_\_\_\_, Page \_\_\_\_\_ and is more particularly described as follows:

**See copy of attached deed.**

**RICHARD W. NAGEL, CLERK OF COURT**

By: \_\_\_\_\_

Deputy Clerk

I hereby certify that the aforementioned property was released from (COUNTY).

**(COUNTY DEPUTY CLERK)**

By: \_\_\_\_\_

Deputy Clerk