

Bond Specifications & Best Practice Tips

In cases where a corporate surety is required, please know that the Court is not allowed to refer anyone to a particular surety; therefore, it is suggested to check with a fellow lawyer who might be able to recommend a surety that has current approved information on file with the Court. Otherwise, you will need to speak with the Court Auditor to see if such surety has current approved information on file with the Court.

- ☐ **Corporate sureties must be on the Court's approved list.**
 - a. A current letter accurately reflecting the individuals authorized to sign on behalf of the bonding company, an exemplar of the authorized party signature shall appear opposite their respective names, and the specific monetary limitations, must be on file with the Court.
- ☐ Unless otherwise ordered by the Court, a bond must be submitted to the Court for approval within 20 DAYS of the order appointing representative. Once the bond is approved by the Court, it may be filed with the Clerk.
- ☐ The cause number must appear on the face of the bond. The spelling of the name(s) of the appointee(s) **must be accurate and must appear exactly as is set forth in the Order** making such appointment.
- ☐ **All Corporate Surety Bonds must track the following language:**
See §305.108 TEC for Personal Representatives & §1105.109 TEC for Guardians

The State of TEXAS

County of DALLAS

Know all persons by these presents that we, _____ (insert name of each principal), as principal, and _____ (insert name of each surety), as sureties, are held and firmly bound unto the Judge of The Probate Court of Dallas County, Texas, and that judge's successors in office, in the sum of _____ dollars, conditioned that the above bound principal or principals, appointed as _____ (insert correct capacity ***exactly as set forth in the Order*** "executor of the will," "administrator with the will annexed of the estate," "administrator of the estate," "temporary administrator of the estate," or "guardian of the estate" as applicable) of _____ (insert name of decedent or ward), deceased OR incapacitated person, shall well and truly perform all of the duties required of the principal or principals by law under that appointment.

- ☐ Bond must be in original form and **signatures must appear exactly on bond as they are on Order** making such appointment.
- ☐ **Special requirements for bonds over \$100,000.00** - (bond must have **all original signatures in blue ink on Power of Attorney** (i.e. a "wet power of attorney") as well as original signatures of principal and surety.) There should be no scanned or electronic signatures.
- ☐ No corrections, interlineations, white-outs or other changes are permitted on the face of the bond. Riders to Bonds will not be accepted.
- ☐ All Corporate Surety Bonds and Powers of Attorney must have the same execution date.

FILING OF THE BOND: After Order appointing personal representative has been entered by the Clerk:

- ☐ Submit proposed bond, separate oath & separate order approving bond via e-file along with the necessary fees. We will not accept the oath being included as a part of the bond form, and the Judge requires the signing of a separate order approving bond, not the one typically listed on the bond form.
- ☐ Bring the original bond and order to the Court for approval. The Court will also accept the oath.
- ☐ The Court will submit original bond, oath (if delivered to the Court), and signed order to the Clerk for safekeeping.

Other irregularities may disqualify a bond.

If the attorney of record has a question, he/she may call Christopher Johnson at 214-653-7237 for estate matters or Miguel Hernandez at 214-653-7244 for guardianship matters.
