



## Superior Court of California County of San Mateo

### PROCEDURES FOR RECONVEYANCE OF REAL PROPERTY POSTED AS BAIL

When a defendant has satisfied the terms of his release under bail and the court orders exoneration of bail, the owner(s) of the real property that is posted as bail is entitled to have their real property reconveyed and have the lien released pursuant to Penal Code section 1280.1(a). The following information is intended to assist with preparation, filing and recording of documents required in order to obtain the reconveyance and release of lien.

#### 1. **EXONERATION OF BAIL**

- 1.1. After a court hearing where the court orders exoneration of bail, an entry is made in the Court Minutes indicating that the Court has ordered exoneration of bail.
- 1.2. The Court will send you a notice of the bail exoneration along with a certified copy of the Minute Order and copies of the forms *Order Withdrawing Lien on Real Property Posted as Bail (Local form CR-102)* and *Deed of Full Reconveyance (Local Form CR-103)*. These forms are also available on the Court's website in the Local Forms – Criminal section at [www.sanmateocourt.org](http://www.sanmateocourt.org) so that you can fill them out on-line for your convenience.

#### 2. **RECONVEYANCE OF PROPERTY**

- 2.1. **If the Trustee in the Deed of Trust is NOT the Court Executive Officer of the Superior Court of San Mateo County**
  - A. Fill out form CR-102 (Order Withdrawing Lien on Real Property Posted as Bail). Information required to complete the form is contained in the Promissory Note and Deed of Trust that were filed with the court and recorded when you posted the property as bail (copies were provided you at that time) and in the certified copy of the Minute Order indicating the exoneration of bail that the Court sent you.
  - B. The name of the Trustee can be found in the original Deed of Trust that was deposited with the Court.
  - C. Place your return address in the return address section of the Deed of Reconveyance to insure that the document is returned to you.
  - D. To get the Order Withdrawing the Lien signed by a judge, deliver the completed forms CR-102 (along with two extra copies) and the Certified Copy of the Minute Order to the Criminal Clerk's Office located at 400 County Center on the 4<sup>th</sup> floor in Redwood City during normal Clerk's Office hours\*. The Criminal Clerk's Office supervisor will contact you when the Presiding Judge of the Criminal Division has acted on your documents.
  - E. The Criminal Clerk's Office will deliver the documents to the Presiding Judge of the Criminal Division who will review the documents and sign the Order if all of the information is correctly indicated on the Order and verifies that bail has been exonerated.
  - F. Once the Order is signed, the Criminal Clerk's Office supervisor will file the papers and notify you that the Order is signed.

- G. You will be given a certified copy of the Order along with the following original documents that you filed with the Court when you posted the real property as bail:
- 1) Original recorded Deed of Trust and Assignment of Rents
  - 2) Original Promissory Note Secured by Deed of Trust
  - 3) Original Preliminary Title Report
  - 4) Appraisal Report
- H. Take all of the documents listed in section F above along with the certified copy of the Order Withdrawing the Lien to the Trustee named in your Deed of Trust for the Trustee to prepare a Deed of Reconveyance. Your trustee will provide you direction on how to record your Deed of Reconveyance.

**2.2. If the Trustee in the Deed of Trust is the Court Executive Officer of the Superior Court of San Mateo County**

**A. Real Property Located in San Mateo County**

- 1) Fill out both forms **CR-102 (Order Withdrawing Lien on Real Property Posted as Bail) and CR-103 (Deed of Full Reconveyance)**. Information required to complete the forms can be found in:
  - the Promissory Note and Deed of Trust that were filed with the Court and recorded when you posted the property as bail (copies were provided you at that time); and
  - the certified copy of the Minute Order indicating the exoneration of bail that the Court sent you.
- 2) Confirm that the name of the Trustee is the Court Executive Officer of the Superior Court of San Mateo County (this appears in the Deed of Trust that was filed and recorded initially). If Court Executive Officer is not the named Trustee, please follow the procedures in 2.1 above.
- 3) Place your return address in the return address section of the Deed of Reconveyance
- 4) Getting the Order Withdrawing the Lien signed.  
 Deliver the completed forms CR-102 and CR-103(along with two extra copies) and the Certified Copy of the Minute Order to the Criminal Clerk's Office located at 400 County Center on the 4<sup>th</sup> floor in Redwood City during normal Clerk's Office hours\*. The Criminal Clerk's Office supervisor will contact you when the Presiding Judge of the Criminal Division has acted on your documents.
- 5) The Criminal Clerk's Office will deliver the documents to the Presiding Judge of the Criminal Division who will review the documents and sign the Order if all of the information is correctly indicated on the Order and verifies that bail has been exonerated.
- 6) Once the Order is signed, the signed Order will be returned to the Criminal Clerk's Office supervisor for filing and processing,
- 7) Both the originally signed Order and the completed Deed of Full Reconveyance will be held in the Criminal Division Clerk's Office for processing. The Clerk's Office will contact you to pick up the recorded Deed of Full Reconveyance once it is processed.
- 8) The Deed of Full Reconveyance and Order will be submitted to the Court Executive Officer of the Superior Court of San Mateo County or designated representative, as Trustee of the original Deed of Trust, who will sign the Deed of Full Reconveyance pursuant to the Order.

- 9) Since the property is located within the County of San Mateo and that the Court Executive Officer is the Trustee, the Court will have the Deed of Full Reconveyance recorded with the San Mateo County's Recorder's Office and will obtain a certified copy of the recorded Deed of Full Reconveyance that the Court will return to you.
- 10) When the Deed of Full Reconveyance is recorded, the Criminal Clerk's Office will contact you to pick up your documents at the Clerk's Office.

**B. Real Property Located Outside of San Mateo County**

- 1) Please follow the instructions numbered A. 1) through A.6) in the preceding section.
- 2) Since the real property is NOT located in San Mateo County, the Clerk's Office will contact you to pick up the documents so that you can have them recorded in the County in which the property is located in order to have title reconveyed. It is your responsibility to get the Deed of Reconveyance recorded in the correct county. There may be a fee associated with the recording of the Deed of Reconveyance.

\*see our website for current office hours, [www.sanmateocourt.org](http://www.sanmateocourt.org)

Reviewed and Approved

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Criminal Supervising Judge

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Dated

Reviewed and Approved

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Presiding Judge

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Dated