

**UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF NEW YORK**

FORM PETITION AND ORDER FOR THE RETURN OF PROPERTY

PETITIONER MUST COMPLETE THE ENTIRE PACKET AND RETURN IT TO THE CLERK. ALL CHARGES AGAINST THE DEFENDANT FOR WHICH BAIL WAS POSTED MUST BE TERMINATED BY CONVICTION AND SENTENCE OR DISMISSAL BEFORE SUBMITTING THE PETITION TO THE COURT

TO BE COMPLETED BY PETITIONER

PETITIONER'S NAME: _____

FULL ADDRESS: _____

**MAILING ADDRESS
IF DIFFERENT FROM ABOVE** _____

FULL SOCIAL SECURITY # _____

*******FOR INTERNAL CLERK'S OFFICE USE ONLY*******

Case Number _____

*******THIS PAGE SHALL NOT BE SCANNED*******

**FOR CLERK'S OFFICE USE ONLY
PROPERTY RETURNED TO PETITIONER**

Clerk's Signature

DATE

LETTER OF INSTRUCTION

ORDER AND PETITION FOR RETURN OF PROPERTY

Use the enclosed form Order and Petition to obtain return of a property for a surety who has lodged such property with the court on behalf of the defendant in a criminal matter for the purpose of a bail bond.

The petitioner (person who posted the property) is to complete the enclosed petition, **have it notarized**, and return it to the Clerk, U.S. District Court. The Clerk will verify the signature on the petition and verify that the property was lodged with the Court. The petition and proposed order will then be sent to the appropriate Judge for consideration.

If the petitioner on a return of a property is different than the original person who posted the property, then legal documentation of the transfer of entitlement must be included with the Petition. You must supply the court with the following approved documentation:

- 1. Power of Attorney (NOTARIZED)**
- 2. NOTARIZED statement of the original payer designating or authorizing the release of property to the petitioner together with an affidavit that the original payer is not an infant or incompetent (Example of a single assignment form is attached)**
- 3. If the payer is deceased: Documentation demonstrating that the petitioner is a beneficiary of such deed/title of the payer/decedent (NOTARIZED)**

After the order is signed, the petition and order will be returned to the Clerk and your property will be mailed to you, or you may arrangements to pick up the property.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

PETITION

vs.

Case No: _____

Defendant(s)

To the Honorable Judge of the United States District Court for the Northern District of New York:

Your petitioner, _____ respectfully shows:

That your petitioner resides at:

CITY _____ STATE/COUNTRY _____

Social Security Number of Petitioner: **(LAST 4 DIGITS ONLY)** ____ _

That on (date) _____, the defendant herein gave bond before the United States Magistrate Judge for his/her appearance to answer to the criminal charges against him/her, and your petitioner on the day aforesaid signed said bond as surety for the said defendant and posted with said United States District Court the following property:

Property Description: _____

That thereafter and on (date) _____, the said defendant appeared before this Court. The charge, for which bail was posted, was finally determined by:

Select Appropriate Disposition:

- Conviction and Sentence
- Dismissal

That said property posted with the United States District Court as aforesaid is the property of your petitioner.

WHEREFORE, your petitioner respectfully prays that an order be entered releasing your petitioner as surety as aforesaid and that the Clerk of the Court be directed to remit to your petitioner the property posted in connection with said bail bond.

Dated: _____

Signature of Petitioner

State of _____

County of _____ Social Security # (LAST 4 DIGITS) _ _ _ _

City of _____

_____, being duly sworn, deposes and states that he/she is the petitioner in the above petition; that he/she has read the foregoing petition and knows the contents thereof and that the same are true of his/her own knowledge.

Signature of Petitioner

Sworn to before me this _____

day of _____.

NOTARY PUBLIC

My Commissioner Expires: _____

**TO BE COMPLETED BY THE CLERK'S OFFICE
UPON RECEIPT OF THE PETITION**

(18 U.S.C. 3142)
(Fed.R.Crim.P. Rule 46)
(NDNY Local Rule 46.2)

1. I, _____, Deputy Clerk have verified that the signature on the petition appears to be the same as the signature on the Bail Bond filed with this Court on _____.
2. I have verified that the property was posted with the Court on _____ by the petitioner.
(Date)
3. **(Check if appropriate)** The Petitioner is different than the original payee. Appropriate legal documentation of the transfer of entitlement is attached to this petition for the court's consideration.
4. I have verified that a judgment of conviction or dismissal order has been entered.
5. **Self Surrender Cases:** I have verified with the U.S. Marshal that the defendant reported to the designated Bureau of Prisons institution. ****NOTE: If the Defendant has not self-reported yet, the petition must be held in abeyance until the self-surrender date or denied as premature.**
6. The petition and supporting documents have been signed and notarized where appropriate.

Deputy Clerk

Dated: _____

INSTRUCTIONS FOR THE CLERK

1. Scan and docket the Petition using the event "Motion for Return of Property" and attach the proposed order as an attachment to the petition.
2. Email chambers to let them know that the petition has been filed.
3. Chambers will issue an order granting the return of the property and CRD will docket the order and notify the Docket Clerk that it is ready for return.
NOTE: Do NOT issue an order releasing the property until the Defendant has been remanded, self-surrendered, released on time-served/probation or the case was dismissed.
4. Docket clerk will return the property with a copy of the Order by Certified Mail- Return Receipt to the petitioner or make arrangements for petitioner to pick up property.
5. Docket Clerk will make an entry on the docket regarding compliance with the Order.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

vs.

Case No: _____

Defendant(s)

Upon reading and filing the annexed petition, it is hereby

ORDERED that the petitioner therein be and he/she hereby is released as surety on the bail bond of the defendant in the above entitled cause, and it is further

ORDERED that the Clerk of the Court remit to the petitioner the property posted in connection with said bail bond.

Dated: _____

UNITED STATES DISTRICT JUDGE

.....
RETURN ON ORDER

I, _____, Deputy Clerk have complied with the Court's order this _____ day of _____.

**UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF NEW YORK**

IN THE MATTER OF:

USA V. _____

CRIMINAL NUMBER: _____

SINGLE ASSIGNMENT FOR THE RETURN OF PROPERTY

I, _____, posted the property

(property description) _____

on _____ and thereto assign the right to _____.
(DATE) (ASSIGNEE (PETITIONER))

(ASSIGNOR)

Sworn to before me this

_____ day of _____

NOTARY PUBLIC