



1 This motion is made on the grounds that moving party is informed defendant is unable to appear  
2 before this court, and that moving party, its agents or employees did not consent to nonappearance  
3 in court by defendant when his presence was lawfully required, and that moving party is statutorily  
4 entitled to tolling of or relief from the forfeiture at issue.

5 This motion is based on this Notice of Motion, the following Declaration and Memorandum of Points  
6 and Authorities, upon such supplemental memorandum as may be submitted, upon the file in this  
7 matter, and upon any evidence or argument to be had at the time of hearing.

8 DATED: \_\_\_\_\_  
9  
10  
11

12 DECLARATION OF NON-COLLUSION

13 I, \_\_\_\_\_, do hereby declare:

14 1. I am a duly licensed Bail Agent in this state, licensed through the Department of  
15 Insurance.

16 2. I have investigated the location of the defendant and, to the best of my ability, have  
17 assessed the circumstances of the subject failure to appear.

18 3. The non-appearance in court of defendant herein was without the knowledge, consent,  
19 connivance or collusion or moving party or any of its agents or employees.

20 4. I further believe that defendant herein is not able to appear before this court in that  
21 he/she is in the custody of the \_\_\_\_\_, and has been there  
22 since \_\_\_\_\_. Defendant's release  
23 date therefrom is \_\_\_\_\_.

24 I declare, under penalty of perjury, that the foregoing is true and correct unless stated on  
25 information and belief, and as to those matters, I believe them to be true.

26 Executed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at  
27 \_\_\_\_\_, California.  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

MEMORANDUM OF POINTS AND AUTHORITIES

Defendant's bail was ordered forfeited by this court on \_\_\_\_\_, and notice of forfeiture was mailed to moving party on \_\_\_\_\_. The 180th day from forfeiture mailing herein is therefore \_\_\_\_\_.

Where it is shown that an errant defendant who has forfeited bail is detained by civil authorities in another jurisdiction (or forum), or that he/she is medically disabled, a moving surety is, at a minimum, entitled to a tolling of time of the 180 day period contained within Section 1305 PC. Los Angeles County v. Surety Ins. Co. of California (1984) 152 Cal. App. 3d 16. If the Court views the defendant's disability as more than a temporary one, exoneration may be appropriate. Penal Code Section 1305.

Moving party respectfully requests a tolling of time herein, or alternatively, exoneration of bail.

DATED: \_\_\_\_\_

ORDER OF THE COURT:

Upon good cause shown, the 180 day forfeiture time within Penal Code Section 1305 is tolled this date.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Judge of the Court

\_\_\_\_\_  
Declarant

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

PROOF OF SERVICE

I, the undersigned, being sworn, say:

I am a citizen of the United States, over the age of eighteen years, a resident of the County of \_\_\_\_\_, State of California, and not a party to the matter or action mentioned in the attached document.

My business address is \_\_\_\_\_  
\_\_\_\_\_

On \_\_\_\_\_ I served the attached document by:

\_\_\_\_\_ Placing same in a sealed, fully prepaid envelope in the United States mail at

\_\_\_\_\_ addressed as below:

\_\_\_\_\_ Delivering same to the party below:

I declare under penalty of perjury that the foregoing is true and correct.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

at \_\_\_\_\_, California.

\_\_\_\_\_