

CAUSE/AGENCY CASE NO. \_\_\_\_\_

STATE OF TEXAS ) ( IN THE \_\_\_\_\_ COURT  
VS ) ( OF  
\_\_\_\_\_ ) ( COMAL COUNTY, TEXAS

AFFIDAVIT OF SURETY FOR DISCHARGE OF LIABILITY AND SURRENDER OF PRINCIPAL BEFORE FORFEITURE

State of Texas  
County of \_\_\_\_\_

“ I, \_\_\_\_\_, am the surety in the above-entitled cause. As surety I posted a bond in the amount of \$\_\_\_\_\_ for the MISDEMEANOR/FELONY charge \_\_\_\_\_ on the defendant’s behalf on \_\_\_\_\_, 20\_\_\_\_. Said charge is currently pending in this Court.”

“This bond is not the subject of a forfeiture and no forfeiture proceeding is pending at this time.”

“The Defendant is currently incarcerated in the **FEDERAL/STATE/COUNTY** custody of \_\_\_\_\_ in \_\_\_\_\_ **COUNTY SHERIFF’S OFFICE, \_\_\_\_\_, TEXAS.**”

“Said charge is pending in **COMAL COUNTY**, therefore in accordance with Article 17.16, Texas Code of Criminal Procedure, Surety hereby requests that the Sheriff of **COMAL COUNTY, TEXAS** hereby verify the incarceration of the Defendant in the **FEDERAL/STATE/COUNTY** custody of \_\_\_\_\_ in \_\_\_\_\_ **COUNTY SHERIFF’S OFFICE, \_\_\_\_\_, TEXAS.** That upon verification of incarceration of the Defendant, surety hereby requests that the bond described herein be discharged and surety be absolved of all further liability on said bond.”

Respectfully submitted,

\_\_\_\_\_  
**Bonding Company Information**

State of Texas, County of Comal

Before me, the undersigned Notary Public, on this day did personally appear \_\_\_\_\_, known to me to be the person whose

name is subscribed to the foregoing Affidavit and upon his/her oath, stated that the information contained therein is true and correct.

SUBSCRIBED AND SWORN BEFORE ME BY \_\_\_\_\_, A  
COMPETENT AND CREDIBLE PERSON, ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

**VERIFICATION OF INCARCERATION**

The undersigned Deputy Sheriff, **COMAL COUNTY, TEXAS**, hereby verifies that the Defendant, \_\_\_\_\_ is in the custody of the following jurisdiction: \_\_\_\_\_, as of \_\_\_\_\_:\_\_\_\_\_ o'clock AM/PM, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
# \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_  
Signature & Badge #  
**COMAL COUNTY**  
Sheriff's Department/Office

**A DETAINER HAS BEEN PLACED ON \_\_\_\_\_ IN ACCORDANCE WITH ARTICLE 17.16(C), TEXAS CODE OF CRIMINAL PROCEDURE.**

**CERTIFICATE OF NOTIFICATION**

I hereby certify:

- The Defendant does NOT have an attorney on record for this case.
- The Defendant does have an attorney on record for this case, however, Article 17.16 C.C.P. does NOT require attorney notification.

**CERTIFICATE OF SERVICE**

- A copy of this affidavit has been submitted to the office of the prosecuting attorney pursuant to Article 17.16 C.C.P.

I hereby certify that on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, a true and correct copy of the Affidavit to Surrender Surety/Affidavit for Discharge of Liability for defendant \_\_\_\_\_, DOB \_\_\_\_\_

(Cause # \_\_\_\_\_,

Charge \_\_\_\_\_) was

hand delivered/mailed/faxed to the Comal County District Attorney's Office, located at 150 N. Seguin, Suite 307, New Braunfels, TX 78130.

\_\_\_\_\_  
Signature

State of Texas

County of Comal

Before me, the undersigned Notary Public, on this day did personally appear \_\_\_\_\_, D/B/A \_\_\_\_\_, known to me to be the person whose name is subscribed to the above Certificates of Notification and Service and upon her oath, stated that the information contained therein is true and correct.

SUBSCRIBED AND SWORN BEFORE ME BY \_\_\_\_\_, A  
COMPETENT AND CREDIBLE PERSON, ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

CAUSE/AGENCY CASE NO. \_\_\_\_\_

STATE OF TEXAS ) ( IN THE \_\_\_\_\_ COURT  
VS ) ( OF  
\_\_\_\_\_ ) ( COMAL COUNTY, TEXAS

**ORDER OF DISCHARGE AND DIRECTIVE TO ISSUE CAPIAS**

The undersigned magistrate has reviewed the Affidavit of Surety and the correspond Verification of Incarceration by the Sheriff on the above-named defendant. Pursuant to the provisions of the Code of Criminal Procedure, Article 17.16, the Surety \_\_\_\_\_ is hereby discharged and absolved of liability in this matter.

- IT IS ORDERED that the clerk shall immediately issue a warrant or alias capias directing the above-named defendant to be arrested and placed in the Comal County Jail; OR
- This Magistrate HEREBY FINDS that the issuance of a capias is unnecessary for the purpose of taking the defendant into custody because either (1) a warrant has been issued for the defendant's arrest and remains outstanding OR (2) the issuance of a capias would otherwise be unnecessary due to the defendant currently being incarcerated in the Comal County Jail.

The surety, \_\_\_\_\_, shall be responsible for all necessary and reasonable expenses incurred by the sheriff(s) in re-arresting the defendant/principal and all other reasonable expenses incurred by any other sheriff or peace officer in re-arresting the defendant/principal, in an amount to be determined after the defendant/principal is arrested and placed in the Comal County Jail.

**SIGNED AND ENTERED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.**

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Comal County Judge/Magistrate

**BOND AMOUNT: \$ \_\_\_\_\_ CASH OR SURETY ONLY**