



Ohio Revised Code

Section 2937.24 Oath to surety - form of affidavit.

Effective: October 1, 1953

Legislation: House Bill 1

When a recognizance is offered under section 2937.22 of the Revised Code, the surety on which recognizance qualifies as a real property owner, the judge or magistrate shall require such surety to pledge to this state real property owned by the surety and located in this state. Whenever such pledge of real property has been given by any such proposed surety, he shall execute the usual form of recognizance, and in addition thereto there shall be filed his affidavit of justification of suretyship, to be attached to said recognizance as a part thereof. The surety may be required in such affidavit to depose as to whether he is, at the time of executing the same, surety upon any other recognizance and as to whether there are any unsatisfied judgments or executions against him. He may also be required to state any other fact which the court thinks relevant and material to a correct determination of the surety's sufficiency to act as bail. Such surety shall state in such affidavit where notices under section 2937.38 of the Revised Code may be served on himself, and service of notice of summons at such place is sufficient service for all purposes.

Such affidavit shall be executed by the proposed surety under an oath and may be in the following form:

"State of Ohio, County of _____,ss:

_____ residing at _____, who offers himself as surety for _____ being first duly sworn, says that he owns in his own legal right, real property subject to execution, located in the county of _____, State of Ohio, consisting of _____ and described as follows to wit: _____; that the title to the same is in his own name; that the value of the same is not less than _____ dollars, and is subject to no encumbrances whatever except _____; that he is not surety upon any unpaid or forfeited recognizance, and that he is not party to any unsatisfied judgment upon any recognizance; that he is worth not less than _____ dollars over and above all debts, liabilities, and lawful claims against him, and all liens, encumbrances, and lawful claims against his property."