

\*\*\* M E M O R A N D U M \*\*\*

FROM: James H. Frazier, III  
Fayette County Master Commissioner



DATE: December 18, 2015

RE: CIVIL RULE 4.11  
CR 4.11 BOND

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Effective immediately in cases where constructive service has been obtained on any defendant, each Order for delivery of a deed to a party who has obtained judgment in the action or the distribution of sale proceeds held by the Master Commissioner shall be accompanied by a bond, in the form attached hereto and incorporated herein by this reference as Exhibit "A", in a sum to be fixed by the Court at not less than the fair market value of the property, which shall be the appraised value or the sales price of the property, whichever is higher, and with surety to be approved by the Court.

All Orders authorizing the deed or distribution of sale proceeds in any action must contain the following language:

*"The defendant(s) \_\_\_\_\_ are before the Court solely by constructive service. Therefore, prior to the distribution of sale proceeds, or the delivery of a deed, the movant shall post a bond pursuant to CR 4.11 in the penal sum of \$ \_\_\_\_\_, and furnish the Master Commissioner a copy thereof before entry of this Order."*