

**RULE 1.625. PROCEEDINGS AGAINST SURETY ON JUDICIAL BONDS**

When any rule or statute requires or permits giving of bond by a party in a judicial proceeding, the surety on the bond submits to the jurisdiction of the court when the bond is approved. The surety must furnish the address for the service of documents affecting the surety's liability on the bond to the officer to whom the bond is given at that time. The liability of the surety may be enforced on motion without the necessity of an independent action. The motion must be served on the surety at the address furnished to the officer. The surety must serve a response to the motion within 20 days after service of the motion, asserting any defenses in law or in fact. If the surety fails to serve a response within the time allowed, a default may be taken. If the surety serves a response, the issues raised must be decided by the court on reasonable notice to the parties. The right to jury trial shall not be abridged in any such proceedings.

**Committee Notes**

**1990 Adoption.** This rule is intended to avoid the necessity of an independent action against a surety on judicial bonds. It does not abolish an independent action if the obligee prefers to file one.

