

AFFIDAVIT OF SURETY BONDSMAN REGARDING APPOINTMENT

NCDOT-BBRD

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The General Assembly of North Carolina amended Article 71 of Chapter 58 of the General Statutes by adding a new section, effective October 1, 2003.

N.C.G.S. § 58-71-141(a) states: (a) Before receiving an appointment, a surety bondsman shall submit to the Commissioner an affidavit, signed under oath, by the surety bondsman and by any former insurer, stating that the surety bondsman does not owe any premium or unsatisfied judgment to any insurer and that the bondsman agrees to discharge all outstanding forfeitures and judgments on bonds previously written. The affidavit shall be in a form prescribed by the Commissioner and shall be submitted by the surety bondsman to the former insurer. If the surety bondsman does not satisfy or discharge all forfeitures or judgments, the former insurer shall submit a notice, with supporting documents, to the appointing insurer, the surety bondsman, and the Commissioner, which states, under oath, that the surety bondsman has failed to satisfy, in a timely manner, the forfeitures and judgments on bonds written by the surety bondsman and that the former insurer has satisfied the forfeiture or judgment from its own funds. The former insurer shall submit the notice and supporting documents to the appointing insurer, the surety bondsman, and the Commissioner within 30 days after the former insurer receives the affidavit from the surety bondsman. Upon receipt of the notice and supporting documents, the appointing insurer shall immediately cancel the surety bondsman's appointment. The surety bondsman may be reappointed only upon certification by the former insurer that all forfeitures and judgments on bonds written by the surety bondsman have been discharged. The appointing insurer or surety bondsman may, within 10 days after receiving the notice and supporting documents from the former insurer, appeal to the Commissioner.

Pursuant to this statute, surety bondsmen must complete the affidavit below. Surety Bondsman must provide a copy to all former appointing insurers and NCDOT; please list all former appointing insurers in the space below. Please select the appropriate option below and complete the information for the option selected.

Option One:

I, _____, surety bondsman, being fully duly sworn shows unto the Commissioner that I do not owe any premium or unsatisfied judgment to ANY, former insurer, as of _____ (today's date). Furthermore, I agree to discharge all outstanding forfeitures and judgments on bonds previously written.

Option Two:

I, _____, surety bondsman, being first duly sworn shows unto the Commissioner that, due to a bankruptcy discharge, I do not owe any premium or unsatisfied judgment to ANY, former insurer, as of _____ (today's date). Furthermore, I agree to discharge all outstanding forfeitures and judgments on bonds previously written that were not discharged in my bankruptcy proceeding.

I am currently pursuing a surety bondsman appointment with _____ appointing insurer.

LIST OF FORMER APPOINTING INSURERS:

(Attach additional sheets if needed)

This is the _____ day of _____, 20__.

Surety Bondsman Signature

Sworn to and subscribed for me this _____ day of _____, 20__.

Notary Public Signature

My commission expires: _____, 20__

Insurers: Print the appropriate form, either "AFFIDAVIT BY FORMER INSURER" or "NOTICE UNDER OATH BY FORMER INSURER" at www.ncdoi.gov, complete and forward to NCDOT at the email address at the top of the form.