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7	IN THECOURT OF THE STATE OF CALIFORNIA
8	COUNTY, JUDICIAL DISTRICT
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10	PEOPLE OF THE STATE OF CALIFORNIA,) NO
11	Plaintiff) NOTICE OF MOTION AND MOTION
12	VS. TO VACATE FORFEITURE, VS.) REINSTATE AND EXONERATE BAIL;
13	DECLARATION AND MEMORANDUM,) OF POINTS AND AUTHORITIES IN
14	Defendant SUPPORT THEREOF; ORDER
	UNITED STATES FIRE INSURANCE COMPANY,
15	Surety and Real Party in Interest) DATE: TIME:
16) DIV. OR DEPT:
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18	TO: THE ATTORNEY OF THE COUNTY OF
19	AND TO THE CLERK OF THE ABOVE-ENTITLED COURT:
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21	PLEASE TAKE NOTICE that on the day of,,
22	at the hour of m. or as soon thereafter as the matter may be heard, surety and real party
23	in interest UNITED STATES FIRE INSURANCE COMPANY, by and through its authorized representative,
24	will move this court for its order tolling time under Section 1305 PC, or alternatively for an order
25	vacating forfeiture, reinstating and exonerating that certain Bail Bond No posted
26	on defendant's behalf previously in the amount of \$, and ordered forfeited by this
27	court on notice of said forfeiture was mailed to moving party on
28	
	S-0060US (05/15) -1-

1	This motion is made on the grounds that moving party is informed defendant is unable to appear
2	before this court, and that moving party, its agents or employees did not consent to nonappearance in
3	court by defendant when his/her presence was lawfully required, and that moving party is statutorily
4	entitled to tolling of or relief from the forfeiture at issue.
5	This motion is based on this Notice of Motion, the following Declaration and Memorandum of Points
6	and Authorities, upon such supplemental memorandum as may be submitted, upon the file in this
7	matter, and upon any evidence or argument to be had at the time of hearing.
8	DATED:
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12	DECLARATION OF NON-COLLUSION
13	I,, do hereby declare:
14	1. I am a duly licensed Bail Agent in this state, licensed through the Department of Insurance.
15	2. I have investigated the location of the defendant and, to the best of my ability, have
16	assessed the circumstances of the subject failure to appear.
17	3. The non-appearance in court of defendant herein was without the knowledge, consent,
18	connivance or collusion of moving party or any of its agents or employees.
19	4. I further believe that defendant herein is not able to appear before this court in that
20	he/she is in the custody of the, and has been there
21	since Defendant's release
22	date therefrom is
23	I declare, under penalty of perjury, that the foregoing is true and correct unless stated on
24	information and belief, and as to those matters, I believe them to be true.
25	Executed this day of , at
26	, California.
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1	MEMORANDUM OF POINTS AND AUTHORITIES
2	Defendant's bail was ordered forfeited by this court on, and
3	notice of forfeiture was mailed to moving party on The 180th day from
4	forfeiture mailing herein is therefore
5	Where it is shown that an errant defendant who has forfeited bail is detained by civil authorities
6	in another jurisdiction (or forum), or that he/she is medically disabled, a moving surety is, at a minimum,
7	entitled to a tolling of time of the 180-day period contained within Section 1305 PC. Los Angeles
8	County v. Surety Ins. Co. of California (1984) 152 Cal. App. 3d 16. If the Court views the defendant's
9	disability as more that a temporary one, exoneration may be appropriate. Penal Code Section 1305.
10	Moving party respectfully requests a tolling of time herein, or, alternatively, exoneration of bail.
11	DATED:
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15	ORDER OF THE COURT:
16	Upon good cause shown, the 180-day forfeiture time within Penal Code Section 1305 is tolled this
17	date.
18	DATED:
19	Judge of the Court
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26	Declarant
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1	PROOF OF SERVICE
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4	I, the undersigned, being sworn, say:
5	I am a citizen of the United States, over the age of eighteen years, a resident of the County of
6	, State of California, and not a party to the matter or
7	action mentioned in the attached document.
8	My business address is
9	
10	On I served the attached document by:
11	Placing same in a sealed, fully prepaid envelope in the United States mail at
12	addressed as below:
13	Delivering same to the party below:
14	
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19	I declare under penalty of perjury that the foregoing is true and correct.
20	Executed this day of ,
21	at, California.
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24 25	
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28	
	S-0060US (05/15) -4-