

366th District Court

Honorable Tom Nowak
Judge Presiding

Russell A. Steindam Courts Building
2100 Bloomdale Road, Suite 30146
McKinney, TX 75071

972-548-4570

366@co.collin.tx.us

Bond Reinstatement and NISI Information and Checklist

Court Staff

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What exactly is a bond forfeiture (BF)?

When a Defendant fails to be produced in court as ordered, the Court can issue a BF order to collect money put up to secure the defendant's release from jail against the Surety (typically a bonding company). There are also other reasons the court can forfeit the bond, such as committing new crimes or not following the conditions of bond. However, those reasons usually result in holding the bond insufficient and a BF order is typically not filed.

What exactly is a NISI?

When there is a BF order, the State files a Nisi judgment. Nisi is Latin for “unless.” A judgment against the Surety will be final after a period of time unless the Surety can show that it should be set aside. The rules allow the surety time to locate the defendant and “produce” him to court so that the full judgment will not be held against that surety.

The Nisi is treated like a separate civil case where the District Attorney’s Office acts as the plaintiff. Negotiations, settlements, amounts in controversy, must be discussed with the appropriate personnel for the State.

Why does this matter to me as a defense attorney?

The Nisi judgment is technically a suit against the surety AND defendant. This means the Defendant is also liable for the judgment and costs associated with the Nisi. The 366th District Court will NOT reinstate the original bond after a Nisi has been issued UNLESS the Nisi judgment is resolved at the same time. If your client wishes to be back on the bond, you may be the only person who can assist.

What needs to happen for my client to get back on the original bond?

All of the parties basically have to agree to resolve the Nisi. The Defendant must appear again. The Surety must agree to be made responsible for the bond again. The State has to agree to set aside the Nisi. Typically costs of court must be paid for the Nisi unless waived by the State. The Court must agree to reinstate the bond.

Any other options?

The court can issue a new bond, but the defendant will have to process through the jail under a new warrant or, the defendant can wait in jail to resolve his case.

Getting Client's Bond Reinstated Checklist

- ☐ Verify if a Nisi has been issued against your client by checking with court bailiff. (jpond@co.collin.tx.us). If not, and you act quickly, you may be able to have the bond reinstated, without costs, by producing your client to court and explaining the reasons for the BF.
- ☐ If a Nisi exists, determine who the surety was. *(Which bonding company?)*
- ☐ Contact Bonding Company to verify if it will be willing to go back on the bond. *(A list of bonding companies is attached for your convenience. Your Defendant may have to make arrangements for payment of fees and costs associated with the Nisi and reinstatement with the bonding company.)*
- ☐ E-mail Ms. Coline Wood (District Attorney's Office Legal Secretary-Civil Division) at cwood@co.collin.tx.us with an explanation of the reason for the BF and confirmation of the bonding company's agreement to be put back on the bond. *(Ms. Wood and the DA's office will prepare the paperwork for the Nisi set-aside under the civil cause number.)*
- ☐ The State may agree to set aside the judgment WITH costs or WITHOUT costs depending on the reasons for the BF. If the set-aside will be WITH costs, those costs will be taxed against your client and bonding company. (Typically about \$300-\$350). The State will typically not file the reinstatement paperwork until the costs are paid.
- ☐ State will e-mail court informing of the agreed set-aside.
- ☐ You and your client must return to court as soon as practicable for a new setting date and to sign a pass slip.
- ☐ Defendant must verify and update any contact information with the court and bonding company.

For further questions or information, please contact ADA Debbie Harrison at dharrison@co.collin.tx.us

Approved Collin County Bond Companies

Company	Phone Number
A Swift Bail Bonds 201 S. McDonald St., Suite B, McKinney TX 75069	972-529-1181
Rebel Bail Bonds 1203 N. Kentucky St, Suite C2, McKinney TX 75069	972-540-2245
Delta Bail Bonds 205 S. McDonald St., McKinney TX 75069	972-562-3030
Not Guilty Bail Bonds 1405 W. University Dr., Suite C, McKinney TX 75069	469-714-0404
A EZ Out Bail Bonds 1202 W. University Dr., McKinney TX 75069	972-422-1544
Collin County Bonding Service 1207 W. University Dr., Suite 101C, McKinney TX 75069	972-542-9221
Bail Bond Headquarters 1011 University Dr., McKinney TX 75069	972-542-6811
Doc's Bail Bonds 1502 W. University Dr., Suite 101, McKinney TX 75069	972-562-6057
Bond Doctor Nationwide Bail Bond Service 1502 W. University Dr., Suite 101B, McKinney TX 75069	972-562-3627
Webb's Statewide Bail Bonds 6951 Virginia Parkway Suite 306, McKinney TX 75071	214-491-1623
Pat Kinnard Bail Bonds 1400 Ave G, Suite 200, Plano TX 75074	972-312-9444
Bubba's Bail Bonds 1207 W. University Dr., Suite 101C, McKinney TX 75069	972-529-6168
You Walk Bail Bonds 1011 W. University Dr., Suite B, McKinney TX 75069	972-658-7753
Buzzard Billy's Bail Bonds 1011 University Dr., McKinney TX 75069	972-542-0037
A-Affordable Bail Bonds 1302 N. Church St, Suite G, McKinney TX 75069	214-856-4022
Goodfellas Bail Bonds 312 E. Cloyd Street, McKinney TX 75069	214-592-9000
Allied Bonding Agency 1515 S. McDonald Street, Suite 106, McKinney TX 75069	972-548-8020
Bond Doctor Bail Bonds 1502 W. University Dr., McKinney TX 75069	972-562-3937
Tess Armstrong Bail Bonds 201 W. Boyd Dr., Suite 105B, Allen TX 75013	214-383-0525
Act Now Bail Bonds 201 S. McDonald St., McKinney TX 75069	469-742-0911