

Proposed Amendments to Rule 65.1

Rule 65.1 is amended as follows:

Rule 65.1. ~~Security; Proceedings Against Sureties~~A Surety

Whenever these rules require or ~~permit the giving of~~ **allow a party to give** security ~~by a party~~, and security is given in the form of **through** a bond or stipulation or other undertaking with one or more sureties, each surety submits to the **court's** jurisdiction ~~of the court~~ and irrevocably appoints the **court** clerk ~~of the court~~ as the surety's **sits** agent upon whom **for receiving service of** any papers affecting the surety's **that affect its** liability on the bond or undertaking ~~may be served~~. The surety's liability may be enforced on motion without ~~the necessity of~~ an independent action. The motion and ~~such~~ **any** notice of the motion ~~as~~ **that** the court prescribes **orders** may be served on the **court** clerk ~~of the court~~, who shall forthwith **must promptly** mail copies to the sureties if their addresses are **a copy of each to every surety whose address is** known. The bond, ~~stipulation~~, or other undertaking must be secured by a corporate surety holding a certificate of authority from the Secretary of the Treasury. Except as otherwise provided by law, where the amount has been fixed by a judge, all bonds, ~~stipulations~~, or other undertakings, shall **must** be approved by the judge.

PRACTICE COMMENT: ~~Circular No. 570, "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies," is published annually, as of July 1, in the Federal Register, under Fiscal Service, Bureau of Government Financial Operations. Interim changes in the circular are published in the Federal Register as they occur. Copies of the circular may be obtained from: Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226, Telephone: (202) 634-5010.~~

PRACTICE COMMENT: Circular No. 570, "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies," is published annually, as of July 1, in the Federal Register, under Fiscal Service, Department of Treasury. Interim changes in the circular are published in the Federal Register as they occur. Copies of the circular and interim changes may be obtained from <http://www.fms.treas.gov/c570/>.

(As amended Nov. 4, 1981, eff. Jan. 1, 1982; July 28, 1988, eff. Nov. 1, 1988; Dec. 18, 2001, eff. Apr. 1, 2002; _____, **2009, eff. _____, 2010.**)

Advisory Committee Note

The language of Rule 65.1 has been amended as part of the general restyling of these rules to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only. In addition, the Practice Comment has been amended to reflect the current sources of information for Circular No. 570.