

**Rule 65.1.** Proceedings Against a Surety

Whenever these rules require or allow a party to give security, and security is given through a bond or other undertaking with one or more sureties, each surety submits to the court's jurisdiction and irrevocably appoints the court clerk as its agent for receiving service of any papers that affect its liability on the bond or undertaking. The surety's liability may be enforced on motion without an independent action. The motion and any notice that the court orders may be served on the court clerk, who must promptly mail a copy of each to every surety whose address is known. The bond 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 or other undertakings 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, 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; Nov. 25, 2009, eff. Jan. 1, 2010.)