The Keating Agency
Nationwide surety bonds · suretybondusa.com

610-489-6168
bonds@thekeatingagency.com

Deposit Bond Escrow Release Checklist

For escrow agents and closing attorneys asked to release buyer deposits against a deposit (escrow release) bond.

BEFORE YOU RELEASE

- ☐ **The bond.** Original or verified copy, issued by a surety admitted (licensed) in the state.
- ☐ **Power of attorney.** The surety's power of attorney for the signing attorney-in-fact — confirmed with the surety.
- ☐ **Surety license.** Checked on the state insurance department's company license lookup.
- ☐ **Obligee.** Named exactly as the statute or contract requires (the buyers, the escrow agent for their benefit, or the state for purchasers).
- ☐ **Bond amount.** At least equal to the deposits being released — and never below deposits already released.
- ☐ **Riders.** A process to increase the bond *before* any additional deposits are released.
- ☐ **Approvals and consents.** Any regulator approval or buyer consent the statute requires.
- ☐ **Contract language.** Purchase agreements permit the use of deposits where the statute requires that disclosure.
- ☐ **Caps.** Released amounts stay within any statutory cap; deposits above the bond or cap remain in escrow.
- ☐ **Renewal and cancellation.** Advance written notice to you, with time to return funds to escrow before the bond expires.
- ☐ **Your file.** Copies of the bond, POA, license check, approvals, consents, and each rider, kept with the escrow agreement.

STATUTES THAT EXPRESSLY PROVIDE FOR A DEPOSIT BOND

Florida — Fla. Stat. § 718.202; Fla. Admin. Code R. 61B-17.009 (condos); § 501.1375 (new homes)

New York — Gen. Bus. Law §§ 352-e, 352-h; 13 NYCRR § 20.3 (AG approval, buyer consent)

Nevada — NRS 116.411 (bond in lieu of escrow)

Virginia — Va. Code § 55.1-1983 (condominiums over 50 units)

Washington — RCW 64.90.645 (construction use capped at 5% of price)

California — Bus. & Prof. Code §§ 11013.2, 11013.4 (bond with the Real Estate Commissioner)

Maryland — Real Prop. §§ 10-301 to 10-303 (new single-family homes)

Washington, D.C. — D.C. Code § 42-1904.09 (condominiums)

We make releases easy for escrow agents: we deliver the bond, power of attorney, and license confirmation to you directly; draft the obligee and conditions to your statute and escrow agreement; issue riders before new deposits are released; and copy you on every renewal and cancellation notice. One named contact for the life of the project — call 610-489-6168.

Statutory summary reviewed November 2026. General information, not legal advice — the current statute, regulations, bond form, and escrow agreement control. Acceptance of deposit bonds is growing; ask us about states not listed. Details by state: suretybondusa.com/escrow-agents