

## RULE 67

### DEPOSIT OF FUNDS IN INTEREST BEARING ACCOUNTS

#### (a) Receipt of Funds

All funds received by the Clerk of Court on any case pending or adjudicated before this Court pursuant to 28 U.S.C. § 2041 shall be deposited with the Treasury of the United States, in the name and to the credit of this Court in a local banking institution authorized to accept deposits on behalf of the United States Department of the Treasury.

All funds tendered to the Clerk of Court for deposit pursuant to Fed.R.Civ. 67 must be accompanied by an order of the Court permitting the deposit, unless a relevant statute allows or requires such a deposit. The tendering of the order at the time of tendering the funds constitutes effective service of the order on the Clerk of Court.

The procedures for receipt, disbursement and custody of funds deposited with this Court shall not be waived except by order of this Court.

#### (b) Investment of Registry Funds

- (1) Investment of Funds. All funds tendered to the Clerk of Court pursuant to Fed.R.Civ.P. 67, in an amount equal to, or greater than one thousand dollars (\$1,000.00), shall be deposited in an interest bearing account with a local banking institution insured with the Federal Deposit Insurance Corporation (FDIC), unless the order for deposit of such funds requires a different type of financial investment.

Upon Court order of deposit and investment of funds, the Clerk shall serve as custodian of the investment, and shall safeguard the documents evidencing such investment, until further order of the Court, or until the date stipulated by the policies adopted by the Judicial Conference of the United States implemented in The Guide to Judiciary Policies and Procedures, whichever date is later.

- (2) Registry Fee. The Clerk of Court is authorized and directed to deduct a registry fee from all funds invested pursuant to Fed.R.Civ.P. 67. The proper registry fee shall be determined pursuant to 28 U.S.C. § 1914 on the basis of the rates authorized by the Judicial Conference of the United States and set forth by the Director of the Administrative Office of the United States Courts as published in the Federal Register.
- (3) Motion for Investment of Funds. Motions for investment seeking a departure from the amounts and investments stipulated by this local rule must include the following:
  - (A) The party or beneficiary's name, social security number or tax payer identification number, mailing and physical address pursuant to Civil Local Rule 5.2.

- (B) The amount to be invested.
- (C) The type of investment.
- (D) The name of the depository institution.
- (E) The birth date of the party or beneficiary if such party or beneficiary is a minor.
- (F) An authorization, directing the Clerk of Court, to assess and deduct, at the date of withdrawal, a registry fee from the final balance of the investment. The registry fee is to be determined on the basis of the rates authorized by the Judicial Conference of the United States and set forth by the Director of the Administrative Office of the United States Courts as published in the Federal Register.

- (4) Cash Bails. The Clerk of Court will deposit in interest bearing accounts any bails in excess of \$1,000.00 deposited with the Court. A registry fee will be deducted from such investment at the time of its disbursement. The registry fee will be in the amounts authorized by the Judicial Conference of the United States pursuant to 28 U.S.C. § 1914.

**(c) Withdrawal of Invested Funds**

No disbursements will be made from funds in the registry of the Court, or invested by the Clerk of Court pursuant to Fed.R.Civ.P. 67, except by order of the Court. The motion for withdrawal of funds must include the full name of the payee and a statement reflecting that the total amount of the payment to be issued is the balance on the investment on the date of the withdrawal, less the registry fee to be assessed by the Clerk of Court.

**(d) Funds Accepted by the Court**

All funds tendered to the Clerk of Court, pursuant to 28 U.S.C, § 2041 or Fed.R.Civ.P. 67, shall be in cash, money order, cashier's check or manager's check. Personal checks will be accepted for an amount not to exceed \$1,000.00 from those payors not included on the Court's list of payors having issued a check with insufficient funds to the Clerk of Court.