

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA**

**James N. Hatten
District Court Executive
and Clerk of Court**

**2211 U.S. COURTHOUSE
75 TED TURNER DRIVE, SW
ATLANTA, GEORGIA 30303-3361**

404-215-1600

November 9, 2016



PUBLIC NOTICE AND REQUEST FOR COMMENT

The United States District Court for the Northern District of Georgia is proposing revisions to Local Rule 67.1, DEPOSIT AND INVESTMENT OF REGISTRY FUNDS AND OTHER FUNDS IN THE CUSTODY OF THE CLERK OF COURT.

A full copy of the proposed revisions to this Local Rule is available at the public counter of each divisional office of the Clerk of Court and on the Court's public website at: www.gand.uscourts.gov.

The Court is soliciting comments from the public and the bar on these proposed revisions.

Comments should be made in writing by December 12, 2016, to:

James N. Hatten
District Court Executive and Clerk of Court
Room 2217, U. S. Courthouse
75 Ted Turner Drive, S.W.
Atlanta, Georgia 30303-3361

Proposed LR 67.1 Language:

LR 67: DEPOSIT IN COURT

**LR 67.1 REGISTRY AND OTHER FUNDS IN THE CUSTODY OF THE
CLERK OF COURT**

A. Receipt and Deposit of Registry Funds.

(1) **Generally.** No money shall be sent to the Court or its officers for deposit in the Court's registry without a court order signed by the presiding judge.

(2) **Deposit with U.S. Treasury.** Unless otherwise ordered by the presiding judge, all monies ordered to be paid to the Court or tendered by litigants and authorized by the Court for deposit into the registry of the Court must be deposited with the Treasurer of the United States in the name and to the credit of this Court pursuant to 28 U.S.C. § 2041 through depositories designated by the Treasury to accept such deposits on its behalf.

B. Investment of Registry Funds with the Court Registry Investment System (“CRIS”).

(1) Unless otherwise ordered by the presiding judge or impractical due to a short timeframe before disbursement, registry deposits which reasonably are expected to accrue to the ultimate benefit of private parties must be invested through the Court Registry Investment System (“CRIS”) administered by the Administrative Office of the United States Courts under 28 U.S.C. § 2045. All monies made payable by decree of this Court to minor and incompetent plaintiffs which are not paid directly to the plaintiff's authorized representative shall be deposited into CRIS.

(2) Where, by order of the Court, funds on deposit with the Court are to be placed in some form of interest-bearing account, CRIS shall be the only investment mechanism authorized.

(3) Unless the Court specifically provides otherwise, the ultimate beneficiary or beneficiaries of any appreciation resulting from investment shall be that person or those persons ultimately found to be entitled to receive the principal thereof.

(4) Interpleader funds deposited under 28 U.S.C. § 1335 meet the IRS definition of a “Disputed Ownership Fund” (DOF), a taxable entity that requires tax administration. Unless otherwise ordered by the Court, interpleader funds must be

deposited in the DOF established within the CRIS and administered by the Administrative Office of the United States Courts, which shall be responsible for meeting all DOF tax administration requirements.

(5) The Director of the Administrative Office of the United States Courts is designated as custodian for all CRIS funds. The Director or the Director's designee shall perform the duties of custodian. Funds held in CRIS remain subject to the control and jurisdiction of this Court.

(6) Money from each case deposited in CRIS shall be "pooled" together with those on deposit with Treasury to the credit of other courts in CRIS and used to purchase Government Account Series securities through the Bureau of Public Debt which will be held at Treasury in an account in the name and to the credit of the Director of the Administrative Office of the United States Courts. The pooled funds will be invested in accordance with the principles of the CRIS Investment Policy as approved by the Registry Monitoring Group.

(7) An account will be established in the CRIS Liquidity Fund titled in the name of the case giving rise to the deposit invested in the fund. Income generated from fund investments will be distributed to each case based on the ratio each account's principal and earnings has to the aggregate principal and income total in the fund after the CRIS fee has been applied. Reports showing the interest earned and the principal amounts contributed in each case will be prepared and distributed to the Court and made available to litigants and/or their counsel.

(8) For each interpleader case, an account shall be established in the CRIS Disputed Ownership Fund ("DOF"), titled in the name of the case giving rise to the deposit invested in the fund. Income generated from fund investments will be distributed to each case after the DOF fee has been applied and tax withholdings have been deducted from the fund. Reports showing the interest earned and the principal amounts contributed in each case will be available through the FedInvest/CMS application for each court participating in the CRIS and made available to litigants and/or their counsel. On appointment of an administrator authorized to incur expenses on behalf of the DOF in a case, the case DOF funds should be transferred to another investment account as directed by Court order.

(9) The custodian is authorized and directed to deduct the CRIS fee of an annualized 10 basis points on assets on deposit for all CRIS funds, excluding the case funds held in the DOF, for the management of investments in CRIS. According to the Court's Miscellaneous Fee Schedule, the CRIS fee is assessed from interest earnings to the pool before a pro rata distribution of earnings is made to court cases.

(10) The custodian is authorized and directed to deduct the DOF fee of an annualized 20 basis points on assets on deposit in the DOF for management of investments and tax administration. According to the Court's Miscellaneous Fee Schedule, the DOF fee is assessed from interest earnings to the pool before a pro rata distribution of earnings is made to court cases. The custodian is further authorized and directed by this Order to withhold and pay federal taxes due on behalf of the DOF.

C. Disbursement of Registry Funds.

(1) **Generally.** Withdrawal of registry funds must be authorized by court order.

(2) **Motions for Disbursement.** All motions for disbursement of registry funds must specify the principal sum initially deposited, the amount(s) of principal funds to be disbursed, to whom (payee or attorney) the disbursement is to be made, and complete mailing instructions (full address and zip code of payee or attorney). Each motion must include a proposed order of disbursement.

(3) **Orders of Disbursement.** Before they are presented to the judge, all orders for disbursement of registry funds must be presented to a financial deputy clerk for a certification of the amount of funds deposited in the registry of the court, including any interest earned. If counsel does not present the order to a financial deputy clerk for certification, then chambers staff must do so. Each proposed order of disbursement must contain the following language: "The clerk is authorized and directed to draw a check(s) on the funds on deposit in the registry of this court in the principal amount of \$, plus all accrued interest, minus any statutory users fees, payable to [name of payee] and mail or deliver the check(s) to [payee or attorney]." If more than one check is to be issued on a single order, the portion of principal due each payee must be separately stated in the order.

(4) **Taxpayer Identification Numbers.** Social Security numbers, tax identification numbers, and mailing addresses will not be included in a proposed order of disbursement, but that information will be provided by counsel for each payee in a cover letter or other document conveyed to but not filed with the Court. A W-9 (Request for Taxpayer Identification Number and Certification) form is required for each payee.

(5) **Payee Name.** On all checks drawn by the clerk on deposits made into the registry of the court, the name of the payee must be written as that name appears in the Court's order providing for disbursement.

(6) Time of Disbursement. The clerk will issue disbursements as soon after receipt of the Order for Disbursement as the business of the clerk's office allows, except when it is necessary to allow time for a check or draft to clear or when an order is appealable. The disbursement may not be made until the time for appeal has expired.

D. Designated and Qualified Settlement Funds. If the court establishes or approves a "designated or qualified settlement fund" that will be held in the registry of the court, the Court either shall approve the person named in the settlement agreement as administrator or shall designate as administrator the party that deposited the funds into the court's registry. *See* 26 U.S.C. § 468B and applicable Internal Revenue Service regulations, including 26 C.F.R. § 1.468B (57 Federal Register 60983-60995). The administrator shall be responsible for fulfilling all obligations of the fund relating to tax procedures, including all necessary filings and payments of taxes. If, for any reason, the order establishing the fund does not designate or approve an administrator, the party depositing the funds shall be deemed to be the administrator for the purposes of complying with the fund's tax obligations and requirements, including the filing of necessary returns and the payment of all taxes.

E. Disbursement of Monies Other than Registry Funds. Funds other than registry funds must be disbursed by check drawn on the Treasury of the United States. The payee's name must be written as the name appears in the disbursement voucher approved by the clerk or designated approving officer. The name of the payee in the disbursement voucher must conform to the name appearing in the clerk's records of the case to which the disbursement relates. The clerk must endeavor to note of record the given name of all individuals making deposits of monies with the clerk. In those cases where the given name appears of record, disbursement vouchers and checks thereunder must show the full given name, additional initials, if any, and the surname of the payee.

Revisions to LR 67.1 Language:

LR 67:- DEPOSIT IN COURT

LR 67.1- REGISTRY FUNDS AND OTHER FUNDS IN THE CUSTODY OF THE CLERK OF COURT

A. Registry Fund Accounts.

~~—— (1) Generally. An order of the court shall be required directing that funds in litigation be deposited in or disbursed from the registry of the court. All orders submitted to a judge pertaining to the investment or disbursement of registry funds must be certified by a financial deputy clerk to show that, prior to presentation of the order, counsel has contacted the financial section of the clerk for a determination of:~~

~~—— (a) For investment orders: U.S. Treasury Regulations governing deposits of registry funds in banking institutions;~~

~~—— (b) For disbursement orders: The amount of funds deposited in the registry of the court in a particular case.~~

~~—— All orders signed by a judge directing that registry funds be invested into interest-bearing accounts other than the court's investment accounts as described in LR 67.1B(3) must be served by counsel upon the Clerk of Court or Chief Deputy Clerk. Counsel's failure to effect service shall relieve the clerk of any personal liability relative to compliance with the investment order.~~

~~—— (2) Designated and Qualified Settlement Funds. If the court establishes or~~

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~~B.~~

A. Receipt and Deposit of Registry Funds.

~~—— (1) Registry Administration Fee.~~

(1) **Generally.** No money shall be sent to the Court or its officers for deposit in the Court's registry without a court order signed by the presiding judge.

(2) **Deposit with U.S. Treasury.** Unless otherwise ordered by the presiding judge, all monies ordered to be paid to the Court or tendered by litigants and authorized by the Court for deposit into the registry of the Court must be deposited with the Treasurer of the United States in the name and to the credit of this Court pursuant to 28 U.S.C. § 2041 through depositories designated by the Treasury to accept such deposits on its behalf.

B. Investment of Registry Funds with the Court Registry Investment System (“CRIS”).

(1) Unless otherwise ordered by the presiding judge or impractical due to a short timeframe before disbursement, registry deposits which reasonably are expected to accrue to the ultimate benefit of private parties must be invested through the Court Registry Investment System (“CRIS”) administered by the Administrative Office of the United States Courts under 28 U.S.C. § 2045. All monies made payable by decree of this Court to minor and incompetent plaintiffs which are not paid directly to the plaintiff’s authorized representative shall be deposited into CRIS.

(2) Where, by order of the Court, funds on deposit with the Court are to be placed in some form of interest-bearing account, CRIS shall be the only investment mechanism authorized.

(3) Unless the Court specifically provides otherwise, the ultimate beneficiary or beneficiaries of any appreciation resulting from investment shall be that person or those persons ultimately found to be entitled to receive the principal thereof.

(4) Interpleader funds deposited under 28 U.S.C. § 1335 meet the IRS definition of a “Disputed Ownership Fund” (DOF), a taxable entity that requires tax administration. Unless otherwise ordered by the Court, interpleader funds must be deposited in the DOF established within the CRIS and administered by the Administrative Office of the United States Courts, which shall be responsible for meeting all DOF tax administration requirements.

(5) The Director of the Administrative Office of the United States Courts has established, pursuant to Judicial Conference authorization, a registry fee to be assessed for the administration of funds held in the registry of the court and placed in interest-bearing accounts or instruments.

The administrative fee assessed on a particular registry account shall be determined according to the fee schedule in effect at the time the account was opened or according to any amended fee schedule that is applicable to the account. The administrative fee is withdrawn from the income earned on the registry account at the time the account is closed for distribution. All fees collected shall be deposited by the clerk into the United States Treasury to reimburse the appropriations to the judiciary.

The director publishes the fee schedule periodically in the Federal Register. Copies of the fee schedules are also available at the public filing counter of the clerk’s office in each division.

~~(2) **Deposits into United States Treasury.** Monies deposited into the registry of the court which have remained unclaimed for at least five (5) years and which are subject to withdrawal under the provisions of 28 U.S.C. § 2042; confiscated funds in criminal proceedings (unless the court has expressly directed that these funds be deposited into an interest-bearing account); unclaimed wages in National Labor Relations Board actions; undeliverable monies; funds in which it is reasonably believed that the United States has substantial beneficial interest; funds deposited as a result of an answer to a summons of garnishment; and all other funds which the interest of justice so requires shall be deposited by the clerk into the official checking account of the Treasurer is designated as custodian for all CRIS funds. The Director or the Director's designee shall perform the duties of custodian. Funds held in CRIS remain subject to the control and jurisdiction of this Court.~~

(6) Money from each case deposited in CRIS shall be "pooled" together with those on deposit with Treasury to the credit of other courts in CRIS and used to purchase Government Account Series securities through the Bureau of Public Debt which will be held at Treasury in an account in the name and to the credit of the Director of the Administrative Office of the United States Courts. The pooled funds will be invested in accordance with the provisions of 28 U.S.C. § 2043:

~~(3) **Deposits into Interest-Bearing Accounts.** All monies tendered by litigants which are reasonably expected to accrue to the ultimate benefit of private parties (specifically including those funds deposited pursuant to 28 U.S.C. § 1335 in civil actions of interpleader or in the nature of interpleader); cash security for bail bonds in criminal cases; cash cost bonds deposited in civil cases ordered removed under 28 U.S.C. § 1446; injunction bonds as ordered by the court; deposits for Special Master's fees as ordered by the court; and cash appeal bonds ordered by the court pursuant to LR 65.1.1E, will be automatically deposited into one of the court's investment accounts, including, but not limited to, a commercial market investment account or commercial premium principles of the CRIS Investment Policy as approved by the Registry Monitoring Group.~~

(7) An account will be established in the CRIS Liquidity Fund titled in the name of the case giving rise to the deposit invested in the fund. Income generated from fund investments will be distributed to each case based on the ratio each account's principal and earnings has to the aggregate principal and income total in the fund after the CRIS fee has been applied. Reports showing the interest earned and the principal amounts contributed in each case will be prepared and distributed to the Court and made available to litigants and/or their counsel.

(8) For each interpleader case, an account shall be established in the CRIS Disputed Ownership Fund ("DOF"), titled in the name of the case giving rise to the

deposit invested in the fund. Income generated from fund investments will be distributed to each case after the DOF fee has been applied and tax withholdings have been deducted from the fund. Reports showing the interest earned and the principal amounts contributed in each case will be available through the FedInvest/CMS application for each court participating in the CRIS and made available to litigants and/or their counsel. On appointment of an administrator authorized to incur expenses on behalf of the DOF in a case, the case DOF funds should be transferred to another investment account at a depository designated by the court at the existing rate of interest. The deposit shall be made into the appropriate type of account paying the highest interest rate as determined by the total amount being deposited.

~~(4) **Next Friend Cases.** All monies made payable by decree of this court to minor and incompetent plaintiffs which are not paid directly to the plaintiff's authorized representative shall be deposited into one of the court's investment accounts at the designated depository. Such funds shall be disbursed only upon order of the court and only in the manner specified in the Order.~~

~~——(5) **Cash Security for Criminal Bonds.** The magistrate judge shall transmit all cash tendered as security for bonds posted in criminal cases to the clerk for deposit into one of the court's savings accounts at the designated depository.~~

C. Investment of Registry Funds.

~~——(1) **Investment at Another Depository.** Upon motion of an interested party, a judge of this court may in his or her discretion instruct the Clerk of Court to withdraw registry funds previously deposited into one of the court's investment accounts at a designated depository and direct reinvestment of the funds into an interest-bearing account at an approved depository other than that designated by the court. All funds shall be held in the court's investment account until the deposited check or draft has cleared the drawee bank.~~

~~——A listing of the current investment opportunities offered by the court's designated depository, with approval of the federal banking regulatory agency, and the minimum amounts necessary for participation in each investment form is available at the public filing counter in each division.~~

~~——(2) **Release to Trustee.** The court may consider a consent motion by the parties to have funds which are deposited in the registry account released to a trustee for some alternative form of investment, which may be reasonably expected to produce a higher return of interest. At the direction of the court, the trustee may be required to post a fiduciary bond.~~

~~——(3) **Transfer of Funds to Registry.** The court may, upon motion of the parties and/or in the discretion of the district judge, direct that registry funds as directed by Court order.~~

(9) The custodian is authorized and directed to deduct the CRIS fee of an annualized 10 basis points on assets on deposit for all CRIS funds, excluding the case funds held in the DOF, for the management of investments in CRIS. According to the Court's Miscellaneous Fee Schedule, the CRIS fee is assessed from interest earnings to the pool before a pro rata distribution of earnings is made to court cases.

(10) The custodian is authorized and directed to deduct the DOF fee of an annualized 20 basis points on assets on deposit in other banking institutions be transferred to the designated depository for investment in some form of interest-bearing account available under this rule:

~~——(4) **Beneficiaries.** Unless the court specifically provides otherwise, the ultimate beneficiary or beneficiaries of any appreciation resulting from investment in interest-bearing accounts, bonds, or securities shall be that person or those persons ultimately found to be entitled to receive the principal thereof.~~

~~D.——~~

the DOF for management of investments and tax administration. According to the Court's Miscellaneous Fee Schedule, the DOF fee is assessed from interest earnings to the pool before a pro rata distribution of earnings is made to court cases. The custodian is further authorized and directed by this Order to withhold and pay federal taxes due on behalf of the DOF.

C. Disbursement of Registry Funds.

~~——(1) **Motion**~~

(1) Generally. Withdrawal of registry funds must be authorized by court order.

(2) **Motions for Disbursement.** All motions for disbursement of registry funds ~~shall~~must specify the principal sum initially deposited, the amount(s) of principal funds to be disbursed ~~and~~ to whom; ~~(payee or attorney);~~ the disbursement is to be made ~~along with~~ and complete mailing instructions (full address and zip code of payee ~~and~~or attorney) ~~and have attached thereto.~~ Each motion must include a proposed order of disbursement.

~~——(2) **Order of Disbursal.** disbursement.~~

(3) **Orders of Disbursement.** Before they are presented to the judge, all orders for disbursement of registry funds must be presented to a financial deputy clerk for a certification of the amount of funds deposited in the registry of the court,

including any interest earned. If counsel does not present the order to a financial deputy clerk for certification, then chambers staff must do so. Each proposed order of ~~disbursal shall~~disbursement must contain ~~therein~~the following language: “~~...the~~ “The clerk is authorized and directed to draw a check(s) on the funds on deposit in the registry of this court in the principal amount of \$_____\$. plus all accrued interest, minus any statutory users fees, payable to ([name of payee])] and mail or deliver the check(s) to ([payee or attorney])].”

_____ If more than one check is to be issued on a single order, the portion of principal due each payee must be separately stated in the order.

(4) Social Security and Tax Taxpayer Identification Numbers. Social Security numbers, tax identification numbers, and mailing addresses will not be included in a proposed order of ~~disbursal~~disbursement, but that information will be provided by counsel for each payee in a cover letter or other document conveyed to but not filed with the court.

(3) Payee Name.Court. A W-9 (Request for Taxpayer Identification Number and Certification) form is required for each payee.

(5) Payee Name. On all checks drawn by the clerk on deposits made into the registry of the court, the name of the payee ~~shall~~must be written as that name appears in the cCourt's order providing for disbursement.

(6) (4) Time of Disbursement. The clerk will issue disbursements as soon after receipt of the Order for Disbursement as the business of the clerk's office allows, except when it is necessary to allow time for a check or draft to clear or when an order is appealable,and t. The disbursement may not be made until the time for appeal has expired.

E. _____

D.

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Designated and Qualified Settlement Funds. If the court establishes or approves a "designated or qualified settlement fund" that will be held in the registry of the court, the cCourt either shall approve the person named in the settlement agreement as administrator or shall designate as administrator the party that deposited the funds into the court's Rregistry. See Section 468B Internal Revenue Code, 26 U.S.C. § 468B; and applicable Internal Revenue Service regulations, including 26 C.F.R. § 1.468B (57 Federal Register 60983-60995). The administrator shall be responsible for fulfilling all obligations of the fund relating to tax procedures, including all necessary filings and

payments of taxes. If, for any reason, the order establishing the fund does not designate or approve an administrator, the party depositing the funds shall be deemed to be the administrator for the purposes of complying with the fund's tax obligations and requirements, including the filing of necessary returns and the payment of all taxes.

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E. Disbursement of Monies Other than Registry Funds. Funds other than registry funds shallmust be disbursed by check drawn on the Treasury of the United States. The payee's name willmust be written as the name appears in the disbursement voucher approved by the clerk or designated approving officer. The name of the payee in the disbursement voucher shallmust conform to the name appearing in the clerk's records of the case to which the disbursement relates. The clerk shallmust endeavor to note of record the given name of all individuals making deposits of monies with the clerk. In those cases where the given name appears of record, disbursement vouchers and checks thereunder shallmust show the full given name, additional initials, if any, and the surname of the payee.

Current LR 67.1 Language:

LR67: DEPOSIT IN COURT

LR 67.1 REGISTRY FUNDS AND OTHER FUNDS IN THE CUSTODY OF THE CLERK OF COURT

A. Registry Fund Accounts.

(1) Generally. An order of the court shall be required directing that funds in litigation be deposited in or disbursed from the registry of the court. All orders submitted to a judge pertaining to the investment or disbursement of registry funds must be certified by a financial deputy clerk to show that, prior to presentation of the order, counsel has contacted the financial section of the clerk for a determination of:

(a) For investment orders: U.S. Treasury Regulations governing deposits of registry funds in banking institutions;

(b) For disbursement orders: The amount of funds deposited in the registry of the court in a particular case.

All orders signed by a judge directing that registry funds be invested into interest-bearing accounts other than the court's investment accounts as described in LR 67.1B(3) must be served by counsel upon the Clerk of Court or Chief Deputy Clerk. Counsel's failure to effect service shall relieve the clerk of any personal liability relative to compliance with the investment order.

(2) Designated and Qualified Settlement Funds. If the court establishes or approves a "designated or qualified settlement fund" that will be held in the registry of the court, the court either shall approve the person named in the settlement agreement as administrator or shall designate as administrator the party that deposited the funds into the court's Registry. See Section 468B Internal Revenue Code, 26 U.S.C. § 468B, and applicable Internal Revenue Service regulations including 26 C.F.R. § 1.468B (57 Federal Register 60983-60995). The administrator shall be responsible for fulfilling all obligations of the fund relating to tax procedures, including all necessary filings and payments of taxes. If, for any reason, the order establishing the fund does not designate or approve an administrator, the party depositing the fund shall be deemed to be administrator for the purposes of complying with the fund's tax obligations and requirements, including the filing of necessary returns and the payment of all taxes.

B. Receipt and Deposit of Registry Funds.

(1) Registry Administration Fee. The Director of the Administrative Office of the United States Courts has established, pursuant to Judicial Conference authorization, a registry fee to be assessed for the administration of funds held in the registry of the court and placed in interest-bearing accounts or instruments.

The administrative fee assessed on a particular registry account shall be determined according to the fee schedule in effect at the time the account was opened or according to any amended fee schedule that is applicable to the account. The administrative fee is withdrawn from the income earned on the registry account at the time the account is closed for distribution. All fees collected shall be deposited by the clerk into the United States Treasury to reimburse the appropriations to the judiciary.

The director publishes the fee schedule periodically in the Federal Register. Copies of the fee schedules are also available at the public filing counter of the clerk's office in each division.

(2) Deposits into United States Treasury. Monies deposited into the registry of the court which have remained unclaimed for at least five (5) years and which are subject to withdrawal under the provisions of 28 U.S.C. § 2042; confiscated funds in criminal proceedings (unless the court has expressly directed that these funds be deposited into an interest-bearing account); unclaimed wages in National Labor Relations Board actions; undeliverable monies; funds in which it is reasonably believed that the United States has substantial beneficial interest; funds deposited as a result of an answer to a summons of garnishment; and all other funds which the interest of justice so requires shall be deposited by the clerk into the official checking account of the Treasurer of the United States in accordance with the provisions of 28 U.S.C. § 2043.

(3) Deposits into Interest-Bearing Accounts. All monies tendered by litigants which are reasonably expected to accrue to the ultimate benefit of private parties (specifically including those funds deposited pursuant to 28 U.S.C. § 1335 in civil actions of interpleader or in the nature of interpleader); cash security for bail bonds in criminal cases; cash cost bonds deposited in civil cases ordered removed under 28 U.S.C. § 1446; injunction bonds as ordered by the court; deposits for Special Master's fees as ordered by the court; and cash appeal bonds ordered by the court pursuant to LR 65.1.1E, will be automatically deposited into one of the court's investment accounts, including, but not limited to, a commercial market investment account or commercial premium investment account at a depository designated by the court at the existing rate of interest. The deposit shall be made into the appropriate type of account paying the highest interest rate as determined by the total amount being deposited.

(4) Next Friend Cases. All monies made payable by decree of this court to minor and incompetent plaintiffs which are not paid directly to the plaintiff's authorized representative shall be deposited into one of the court's investment accounts at the designated depository. Such funds shall be disbursed only upon order of the court and only in the manner specified in the Order.

(5) Cash Security for Criminal Bonds. The magistrate judge shall transmit all cash tendered as security for bonds posted in criminal cases to the clerk for deposit into one of the court's savings accounts at the designated depository.

C. Investment of Registry Funds.

(1) Investment at Another Depository. Upon motion of an interested party, a judge of this court may in his or her discretion instruct the Clerk of Court to withdraw registry funds previously deposited into one of the court's investment accounts at a designated depository and direct reinvestment of the funds into an interest-bearing account at an approved depository other than that designated by the court. All funds shall be held in the court's investment account until the deposited check or draft has cleared the drawee bank.

A listing of the current investment opportunities offered by the court's designated depository, with approval of the federal banking regulatory agency, and the minimum amounts necessary for participation in each investment form is available at the public filing counter in each division.

(2) Release to Trustee. The court may consider a consent motion by the parties to have funds which are deposited in the registry account released to a trustee for some alternative form of investment, which may be reasonably expected to produce a higher return of interest. At the direction of the court, the trustee may be required to post a fiduciary bond.

(3) Transfer of Funds to Registry. The court may, upon motion of the parties and/or in the discretion of the district judge, direct that registry funds on deposit in other banking institutions be transferred to the designated depository for investment in some form of interest-bearing account available under this rule.

(4) Beneficiaries. Unless the court specifically provides otherwise, the ultimate beneficiary or beneficiaries of any appreciation resulting from investment in interest-bearing accounts, bonds, or securities shall be that person or those persons ultimately found to be entitled to receive the principal thereof.

D. Disbursement of Registry Funds.

(1) Motion for Disbursement. All motions for disbursement of registry funds shall specify the principal sum initially deposited, the amount(s) of principal funds to be

disbursed and to whom, payee or attorney, the disbursement is to be made along with complete mailing instructions (full address and zip code of payee and attorney) and have attached thereto a proposed order of disbursement.

(2) Order of Disbursement. Each proposed order of disbursement shall contain therein the following language: “ ...the clerk is authorized and directed to draw a check(s) on the funds on deposit in the registry of this court in the principal amount of \$_____ plus all accrued interest, minus any statutory users fees, payable to (name of payee) and mail or deliver the check(s) to (payee or attorney).”

If more than one check is to be issued on a single order, the portion of principal due each payee must be separately stated in the order.

Social Security and Tax Identification Numbers and mailing addresses will not be included in a proposed order of disbursement, but that information will be provided by counsel for each payee in a cover letter or other document conveyed to but not filed with the court.

(3) Payee Name. On all checks drawn by the clerk on deposits made into the registry of the court, the name of the payee shall be written as that name appears in the court's order providing for disbursement.

(4) Time of Disbursement. The clerk will issue disbursements as soon after receipt of the Order for Disbursement as the business of the clerk's office allows, except when it is necessary to allow time for a check or draft to clear or when an order is appealable, and the disbursement may not be made until the time for appeal has expired.

E. Disbursement of Monies Other than Registry Funds. Funds other than registry funds shall be disbursed by check drawn on the Treasury of the United States. The payee's name will be written as the name appears in the disbursement voucher approved by the clerk or designated approving officer. The name of the payee in the disbursement voucher shall conform to the name appearing in the clerk's records of the case to which the disbursement relates. The clerk shall endeavor to note of record the given name of all individuals making deposits of monies with the clerk. In those cases where the given name appears of record, disbursement vouchers and checks thereunder shall show the full given name, additional initials, if any, and the surname of the payee.