

OFFICE OF THE CLERK UNITED STATES
DISTRICT COURT MIDDLE DISTRICT OF
NORTH CAROLINA

GUIDELINES FOR THE DEPOSIT OF REGISTRY FUNDS
PLACED IN INTEREST BEARING ACCOUNTS

When, pursuant to Rule 67, Federal Rules of Civil Procedure, and Local Rule 67.1(b), a request is made on motion of any interested party that certain registry funds be deposited into an interest-bearing account or accounts at a private institution, the motion and proposed order shall set out with particularity the following information:

- (a) the form of deposit;
- (b) the amount to be invested;
- (c) the type of investment to be made by the Clerk of Court; i.e.; passport savings, insured money fund, CD, etc.
- (d) the name and address of the private institution where the deposit is to be made;
- (e) the rate of interest at which the deposit is to be made; if possible;
- (f) the length of time the money should be invested, whether it should automatically be reinvested, etc., keeping in mind that some investments include a penalty for early withdrawal;
- (g) the name and address of the designated beneficiary or beneficiaries;
- (h) the form of additional collateral to be posted by the private institution in the event that the standard F.D.I.C. coverage is insufficient to insure the total amount of deposit; and
- (i) such other information that may be deemed appropriate under the facts and circumstances of the particular case.

The request shall be accompanied by a proposed order directing the Clerk to proceed with the investment. When an order is issued to invest or reinvest registry funds into an interest-bearing account or accounts, the party presenting the order shall deliver a copy of the order either personally, or by certified mail, return receipt requested, to the Clerk or in the Clerk's absence, to the Chief Deputy, or the Financial Deputy Clerk. It shall be incumbent upon the presenting party to confirm that the appropriate action has been taken by the Clerk.

The Clerk of Court will deduct from the income earned on the investment the fee as specified in 28 U.S.C. §1914(b) for deposit to the credit of the Judiciary, without Order of the Court.

Criminal cash bail cannot be invested in an interest-bearing account or instrument as the above amendments affect only the Federal Rules of Civil Procedure and do not apply to criminal proceedings.

Costs bonds and other bonds in the form of cash, such as removal costs bonds, admiralty costs bonds, injunction costs bonds, etc., are not governed by Rule 67, Federal Rules of Civil Procedure, and therefore cannot be deposited into interest-bearing accounts.

Civil garnishments are not governed by Rule 67 and therefore cannot be deposited into an interest-bearing account.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

Plaintiff(s),)
)
)
 v.)
)
)
 Defendant(s).)

MOTION TO DEPOSIT SUM OF
MONEY WITH THE COURT

Comes now the _____ herein pursuant to Rule 67 of the Federal Rules of Civil Procedure and Local Rule 67.1(b) and moves the Court for an order authorizing the deposit into the Court of the sum of _____ dollars, such sum representing _____ or being at least a part of the relief sought in the _____ filed herein.

Further the _____ moves that the Clerk of Court be ordered to invest in an interest-bearing account the sum of _____ dollars in the form of a _____ for a period of _____ with _____, for the benefit of _____, whose address is _____, and that the Clerk of Court retain the indicia of ownership as trustee and custodian for the benefit of the _____, subject to further order of this court with respect to the beneficial ownership or entitlement of said sum, and that upon the expiration of said period of investment, the Clerk of Court be directed to

_____, unless ordered otherwise by the Court.

Further, the _____ moves that the Clerk of Court be ordered to mail to _____ along with the check to be deposited into the above-described interest-bearing account, a letter substantially in the form annexed as Exhibit A, hereto.

Further, the _____ moves that the Clerk of Court be ordered to inform the person or persons for whose benefit the above-described sum is to be deposited in an interest-bearing account, of the amount of interest earned so that he or she can account for the interest earned on his or her state and federal income tax returns.

This _____ day of _____, 20_____.

/s/ Judith Attorney
Judith Attorney Bar Number: 12345
Attorney for (Plaintiff/Defendant)
ABC Law Firm
123 South Street
Greensboro, North Carolina 27401
Telephone: (336) 123-4567
E-mail: judith_attorney@law.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

Plaintiff,)
))
vs) Case No. _____)
Defendant.)

CERTIFICATE OF SERVICE

I hereby certify that on _____ (Date), I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and have verified that such filing was sent electronically using the CM/ECF system to the following: _____ (Name of Party) , and I hereby certify that I have mailed the document to the following non CM/ECF participants: _____ (Name of Party).

Respectfully submitted,

/s/[Signature of Password Registrant]
Name of Password Registrant
Address
City, State, Zip Code
Phone: (xxx) xxx-xxxx
E-mail: xxx@xxx.xxx
[Attorney bar number, if applicable]

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

Plaintiff(s))
)
)
)
v.)
)
)
Defendant(s))

ORDER GRANTING MOTION TO DEPOSIT
SUM OF MONEY WITH THE COURT

It is hereby ORDERED, that the Clerk of Court receive and deposit into the Registry of the Court the amount of ____ which represents _____ ; and it is

FURTHER ORDERED that the Clerk of Court, issue a check from the Registry Fund of this Court in the amount of _____ and deliver the check to _____ for the purchase of a _____ -Day Certificate of Deposit at the rate of interest then available. The Clerk is to present said check and a letter in substantially the form attached as Exhibit A to _____ . In return, the Clerk

is to receive an indicia of ownership of a Certificate of Deposit payable to:

United States District Court
for the Middle District of North Carolina
Clerk of Court, Trustee
Civil Action No. _____

Upon maturity of said certificate, the principal amount plus accumulated interest shall be automatically reinvested without further instructions by the said _____ in a new Certificate of Deposit for the same length of time as the original Certificate at the prevailing interest rate. This “roll-over” procedure will be followed at the maturity of each

Certificate unless the Court otherwise orders. The initial investment and subsequent reinvestments will be subject to the collateral provisions of Treasury Circular 176; and it is

FURTHER ORDERED that the Clerk of Court deduct from the income earned on the registry investment, a fee authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office of the U.S. Courts without further order of the Court; and it is

FURTHER ORDERED that the Clerk of Court inform the person or persons for whose benefit the above described sum is to be deposited in an interest-bearing account of the amount of interest earned so that the person or person can fulfill the obligation to account for the interest earned on his or her state and federal income tax returns; and it is

FURTHER ORDERED that the _____ shall pledge to the Treasurer of the United States collateral security which shall be acceptable under CFR 31 Section 202.6 (Treasury Circular No. 176) for the funds deposited which are in excess of the \$100,000 FDIC or FSLIC insurance; and it is

FURTHER ORDERED that the _____ personally serve a copy of this order upon the Clerk, Chief Deputy or the Financial Deputy.

This the _____ day of _____, 20_____.

United States District Judge

United States District Court

Middle District of North Carolina
324 W. Market Street
Greensboro, North Carolina 27401-2544

John S. Brubaker, Clerk

TELEPHONE: (336) 332-6000

July 15, 2014

First American Bank
1100 Connecticut Avenue, N.W.
Washington, DC 20036

Attention: Ms. Ann Raymond

Dear Ms. Raymond:

Enclosed is U.S. Treasury Check # _____ in the amount of \$ _____ payable to the First American Bank and an order of the United States District Court for the Middle District of North Carolina concerning this matter. In return for the check, please issue a ___-day Certificate of Deposit payable to:

United States District Court
Middle District of North Carolina
Clerk of Court, Trustee
Civil Action No. _____

Please remit the indicia of ownership to me at the following address:

United States District Court
Middle District of North Carolina
Attention: Ms. Sandra Carter
324 W. Market Street
Greensboro, NC 27401-2544

It is requested that, upon maturity, the principal amount plus accrued interest be reinvested in a new Certificate of Deposit for the same length of time at the interest rate then prevailing unless the Court should order otherwise prior to maturity. This "roll-over" procedure should be followed at the maturity of each Certificate of Deposit until the Court directs otherwise. The initial investment and subsequent reinvestments will be subject to the collateral provisions under CFR 31 Section 202.6 (Treasury Circular 176).

Thank you for your cooperation in this matter.

Sincerely,

John S. Brubaker,

By: _____
Deputy Clerk

United States District Court

Middle District of North Carolina
324 W. Market Street
Greensboro, North Carolina 27401-2544

John S. Brubaker, Clerk

TELEPHONE: (336) 332-6000

July 15, 2014

First American Bank
1100 Connecticut Avenue, N.W.
Washington, DC 20036

Attention: Ms. Ann Raymond

Dear Ms. Raymond:

Enclosed is U.S. Treasury Check # _____ in the amount of \$ _____ payable to the First American Bank and an order of the United States District Court for the Middle District of North Carolina concerning this matter. Please open a money market account made payable to:

United States District Court
Middle District of North Carolina
Clerk of Court, Trustee
Civil Action No. _____

Please remit the indicia of ownership to me at the following address:

United States District Court
Middle District of North Carolina
Attention: Ms. Sandra Carter
324 W. Market Street
Greensboro, NC 27401-2544

It is requested that the money market account shall be maintained and shall continue to accrue interest, the accrued interest to be reinvested in the money market account at the available rate of interest, until further Order of this Court. The initial investment and subsequent reinvestments will be subject to the collateral provisions under CFR 31 Section 202.6 (Treasury Circular 176).

Thank you for your cooperation in this matter.

Sincerely,

John S. Brubaker,

By: _____
Deputy Clerk