

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN RE:)
)
PROCEDURES FOR DEPOSIT AND) GENERAL ORDER No. 11-02
INVESTMENT OF REGISTRY FUNDS)
)

This General Order, effective (July 1, 2011), supercedes and abrogates the procedures contained in Nebraska Rules of Bankruptcy Procedure 7067-1 adopted on June 15, 2010 with regard to Registry Funds; Deposited in the Court.

The Court, having determined that it is necessary to supercede procedures to reflect the transition of accountability and administration of the Court Registry Investment System (“CRIS”) from the United States Bankruptcy Court for the District of Nebraska to the Administrative Office of the United States Courts, as well as ensure the continued uniformity in the deposit and investment of funds in the Court’s Registry,

IT IS ORDERED that the following procedure shall govern the receipt, deposit and investment of registry funds:

I. Receipt of Funds.

- A. 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 in the case or proceeding.
- B. Unless provided for elsewhere in this Order, all monies ordered to be paid to the Court or received by its officers in any case pending or adjudicated shall 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 deposit on its behalf.
- C. The party making the deposit or transferring funds to the Court’s registry shall serve the order permitting the deposit or transfer on the Clerk of Court.

II. Investment of Registry Funds.

- A. Where, by order of the Court, funds on deposit with the Court are to be placed in some form of interest-bearing account, CRIS, administered by the Administrative Office of the United States Courts, shall be the only investment mechanism authorized.
- B. 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 Administrative Office of the United States Courts, hereby designated as custodian for CRIS.

- C. An account for each case will be established in CRIS titled in the name of the case giving rise to the investment 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. Reports showing the interest earned and the principal amounts contributed in each case will be prepared and distributed to each court participating in CRIS and made available to litigants and/or their counsel.

III. Registry Investment Fee.

- A. The custodian is authorized and directed by this Order to deduct, for maintaining accounts in CRIS, the registry fee. The proper registry fee is to be determined on the basis of the rates published by the Director of the Administrative Office of United States Courts as approved by the Judicial Conference.
- B. If registry fees were assessed against the case under the old 45-day requirement prior to deposit in CRIS, no additional registry fee will be assessed.

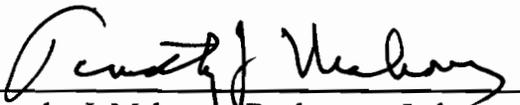
IV. Disbursement of Registry Order; Content of Order.

- A. To withdraw money deposited in the Court pursuant to Fed. R. Civ. P. 67 and subsequently deposited into an interest-bearing account or instrument as required by Rule 67, a party must file a motion for withdrawal of the funds and simultaneously submit a proposed order and completed IRS Form W-9. The proposed order shall include the name(s) of the recipient(s) and the address where the check is to be delivered.

IT IS SO ORDERED.

DATED: 7/6/2011


Thomas L. Saladino, Chief Bankruptcy Judge


Timothy J. Mahoney, Bankruptcy Judge