

D.N.J. LBR 7067-1 REGISTRY FUND

(a) Registry Funds

Registry funds maintained pursuant to 28 U.S.C. § 2041 shall include, but shall not be limited to:

- (1) Unclaimed distributions in chapter 7, 12 or 13 cases remaining unpaid 90 days after the final distribution.
- (2) Monies to be held in escrow pending resolution of a particular dispute before the Court.

(b) Receipt of Funds

- (1) 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.
- (2) 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.
- (3) 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.

(c) Investment of Registry Funds

- (1) Where, by order of the Court, funds on deposit with the court are to be placed in some form of interest-bearing account, the Court Registry Investment System ("CRIS"), administered by the Administrative Office of the United States Courts, shall be the only investment mechanism authorized.
- (2) 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.
- (3) 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 earning 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.

(d) Registry Investment Fee

- (1) The custodian is authorized and directed 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.

- (2) 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.

NEW JERSEY BOARD OF BANKRUPTCY JUDGES NOTES

- 1997 Comment: Formerly Local Rule 12.
- 2009 Comment: Former Subsection (b) has been eliminated as duplicative of *D.N.J. LBR 3011-1 (a)*. Former Subsections (c) and (d) have been renumbered as subsections (b) and (c).
- 2011 Comment: This rule is amended effective August 1, 2011 to provide notice to the bar and public corresponding to the transition from prior investment procedures as set forth in the Amended Order Regarding Deposit and Investment of Registry Funds dated, May 18, 2011 (effective May 19, 2011), which supersedes and abrogates all prior orders of this Court regarding the deposit and investment of registry funds, including the General Order Adopting the Court Registry Investment System (“CRIS”), dated November 16, 2009.
- Reference: 11 U.S.C. § 347(a) Unclaimed property; Fed. R. Bankr. P. 3011 Unclaimed Funds in a Chapter 7 Liquidation, Chapter 12 Family Farmer’s Debt, and Chapter 13 Individual’s Debt Adjustment Cases.