

### Proposed Amendments to Rule 67.1

Rule 67.1 is amended as follows:

**Rule 67.1.** Deposit in Court Pursuant to Rule 67

(a) Order for Deposit-Interest Bearing Account. Whenever a party seeks a court order for money to be deposited by the clerk in an interest-bearing account, the party ~~shall~~**must** file, by delivery or by mailing by certified mail, return receipt requested, the proposed order with the clerk or financial deputy who will inspect the proposed order for ~~proper~~ form and content and compliance with this rule prior to signature by the judge for whom the order is prepared. The proposed order ~~shall~~**must** be substantially in the form set forth in Form 16-1, 16-2, 16-3, 16-4 or 16-5 of the Appendix of Forms.

(b) Orders Directing Investment of Funds by Clerk. Any order obtained ~~by a party or parties~~ in an action that directs the clerk to invest in an interest-bearing account or instrument funds deposited in the registry of the court pursuant to 28 U.S.C. § 2041 ~~shall~~**must** include the following:

- (1) the amount to be invested;
- (2) the name of the depository approved by the Treasurer of the United States as a depository in which funds may be deposited;
- (3) a designation of the type of account or instrument in which the funds ~~shall~~**should** be invested;
- (4) wording which directs the clerk to deduct from the income earned on the investment a fee, consistent with that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office,

whenever such income becomes available for deduction from the investment so  
~~held~~ and without further order of the court.

(Added Oct. 3, 1990, eff. Jan. 1, 1991; as amended, Mar. 1, 1991, eff. Mar. 1, 1991;  
Sept. 30, 2003, eff. Jan. 1, 2004; \_\_\_\_\_, 2009, eff. \_\_\_\_\_ 2010.)

**Advisory Committee Note**

The language of Rule 67.1 has been amended as part of the general restyling of these rules to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only.