

Proposed Amendments to Rule 67

Rule 67 is amended as follows:

Rule 67. Deposit ~~in~~**into** Court

~~— In an action in which~~ **(a) Depositing Property.** **If** any part of the relief sought is a **money** judgment ~~for a sum of money or the disposition of a sum of money or the disposition of any~~ **some** other **deliverable** thing ~~capable of delivery, a party, up~~ ~~— on notice to every other party, and by leave of court, —~~ may deposit with the court all or any part of such ~~sum~~**the money** or thing, whether or not that party claims all or any part of the sum or thing.**it.** The **depositing** party making the deposit shall serve the **must deliver to the clerk a copy of the** order permitting deposit ~~on the clerk of the court.~~

(b) Investing and Withdrawing Funds. Money paid into court under this rule shall **must** be deposited and withdrawn in accordance with ~~the provisions of Title 28 U.S.C. §§ 2041, and 2042 and 2043; or any like statute.~~ The fund shall **money must** be deposited in an interest-bearing account or invested in ~~an~~ **a court-approved,** interest-bearing instrument ~~approved by the court.~~

(As amended Oct. 3, 1984, eff. Jan. 1, 1985; July 21, 1986, eff. Oct. 1, 1986; Dec. 18, 2001, eff. Apr. 1, 2002; , **2009**, eff. , **2010**.)

Advisory Committee Note

The language of Rule 67 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. In addition, the reference to 28 U.S.C. § 2043 has been omitted to make the rule consistent with Fed. R. Civ. P. 67.