FILED by _____ D.C.
NOV 21 2001
CLARENCE MADDOX
CLERK, U.S. DIST. CT.
S.D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2001-69

IN RE: PAYMENT OF GARNISHMENT DEPOSITS
_____/

Pursuant to Rule 69 of the Federal Rules of Civil Procedure, Section 77.28 of the Florida Statutes, and Administrative Orders 90-104 and 98-51, a party applying for the issuance of a writ of garnishment shall deposit $100.00 in the registry of the Court. The deposit is for the attorneys' fees of the garnishee. It has been brought to the Court's attention that often these fees remain unclaimed in the Court's registry long after the case in question has concluded. In order to establish guidance and direction for the Court's Financial Unit in handling these monies, it is

ORDERED:

1. The Clerk of Court shall pay such deposit, in any applicable civil case, to the garnishee (or garnishee's counsel, if so requested) for the payment or partial payment of attorney's fees which the garnishee expends or agrees to expend in obtaining representation in response to the writ. Such payment shall be made upon the garnishee's demand, in writing, at any time after the service of the writ.

2. In cases of a pre-judgment writ of garnishment, if the garnishee fails to make written demand within sixty (60) days of the conclusion of the case, including all appeals, the Clerk of Court shall return such deposit to the depositing party (or their

counsel) without further order or request, unless otherwise directed by the Court.

3. In cases of a post-judgment writ of attachment, if the garnishee fails to make written demand within sixty (60) days after post-judgment proceedings on the writ have concluded, including all appeals concerning the writ, the Clerk of Court shall return such deposit to the depositing party (or their counsel) without further order or request, unless otherwise directed by the Court.

4. If garnishment cost deposit monies remain on deposit with the Clerk of Court more than five (5) years after the conclusion of a case or post-judgment proceedings, including all appeals, and if the Clerk of Court has made reasonable attempts to provide notice to the depositing party or to distribute those monies without success, those unclaimed monies shall be moved into the appropriate Treasury Unclaimed Funds account pursuant to 28 USC §2042, without further order of Court. The Court notes that any monies deposited with the U.S. Treasury under these provisions as unclaimed are available for immediate disbursement to any party by the Clerk of Court upon further Court order.

5. If monies are moved to the U.S. Treasury as unclaimed funds, the Clerk of Court shall keep complete and detailed records of all such transfers under this Order.

6. This Order shall remain in effect until such time as it is superseded by a Local Rule covering the same subject.

DONE AND ORDERED in chambers at Fort Lauderdale, Broward County, Florida, this 20th day of November, 2001.

WILLIAM J. ZLOCH
Chief United States District Judge

c: Chief Judge R. Lanier Anderson, III, Eleventh Circuit
All Southern District Judges and Magistrate Judges
United States Attorney
Federal Public Defender
Chief Pretrial Services Officer
Court Administrator • Clerk of Court
Library

O:\EXECUTIV\STEVE\GARNORDER (FINAL).wpd