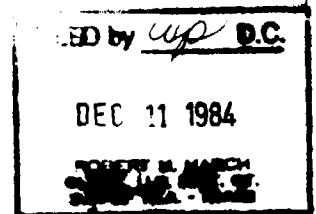


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

NO. 84-30-CIV-MISC

IN THE MATTER OF:

ACCOUNTABILITY OF THE BANKRUPTCY
CLERK OF COURT, SOUTHERN DISTRICT
OF FLORIDA



It appearing that this Court by Order entered September 10, 1984, pursuant to 28 U.S.C. Section 157, as contained in Public Law 98-353; 98 Stat. 333, referred to the bankruptcy judges of this district all cases and proceedings filed under Title 11, United States Code: and

It appearing that, in accordance with 28 U.S.C. Section 156, the bankruptcy judges of this district have appointed a Bankruptcy Clerk of Court on June 21, 1984; that said Bankruptcy Clerk of Court may appoint and remove his deputies subject to the approval of the bankruptcy judges of the district; and

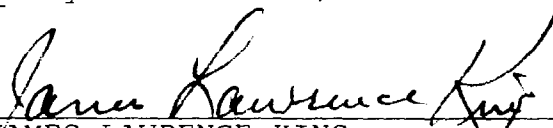
It also appearing that because 11 U.S.C. Sections 301, 302 and 303 require that a petition to initiate a Title 11, United States Code case be filed in the Bankruptcy Court, and that 28 U.S.C. Section 1930, as amended, requires that "bankruptcy fees" shall be paid to "the Clerk of the Court", bankruptcy filing fees must, of necessity, be paid to the Bankruptcy Court at the time that petitions initiating Title 11, United States Code cases are filed. The Court therefore construes the reference to "the Clerk of the Court" in 28 U.S.C. Section 1930 to mean "the Bankruptcy Clerk of Court".

It appearing that 28 U.S.C. Section 156 does not allocate a role in the administration of the Bankruptcy Clerk's office to the district court or to the Clerk of the district court; and, in view of the conclusions reached by this Court in the above paragraphs, it is hereby ordered that the bankruptcy judges of this district shall designate by order the Bankruptcy Clerk of Court of this district to be the accountable officer for all the monies paid into the Bankruptcy Court of this district, and to collect and account for all fees, costs, and other monies collected in petitions and proceedings pending before or adjudicated by a bankruptcy judge or a district judge in this district; and that

The Clerk of the Bankruptcy Court shall maintain on file with the Clerk of the U. S. District Court documentation of appropriate internal control procedures related to the handling of all fees and costs, and also provide copies of any Management Review audit reports; and that

The Clerk of this District Court shall not be accountable or liable for the collection of, the accounting for, and the disbursement of any monies, fees, or costs paid into the Bankruptcy Court of this district.


IT IS SO ORDERED this 11th day of December, 1984.



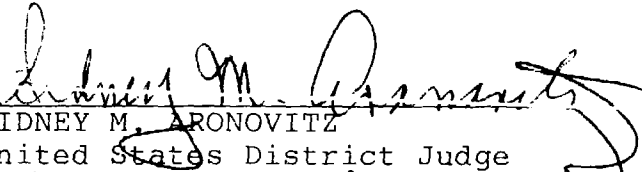
JAMES LAWRENCE KING
Chief United States District Judge



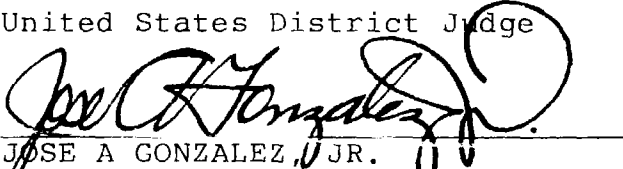
JOE EATON
United States District Judge

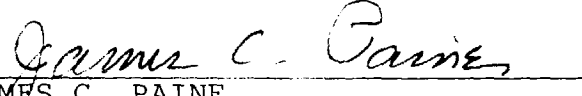


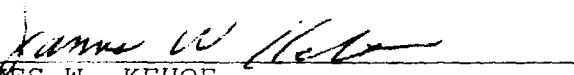
NORMAN C. ROETTGER, JR.
United States District Judge

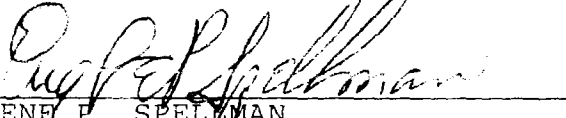

SIDNEY M. ARONOVITZ
United States District Judge

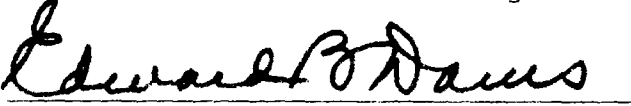

WILLIAM M. HOVELER
United States District Judge

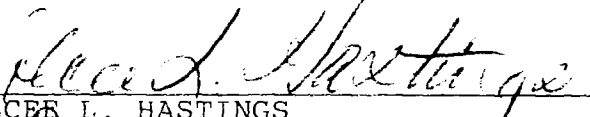

JOSE A. GONZALEZ, JR.
United States District Judge

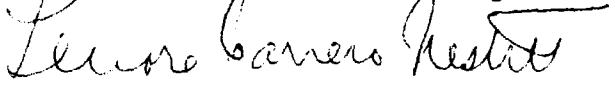

JAMES C. PAINE
United States District Judge


JAMES W. KEHOE
United States District Judge


EUGENE F. SPELLMAN
United States District Judge


EDWARD B. DAVIS
United States District Judge


ALCER L. HASTINGS
United States District Judge


LENORE CARRERO NESBITT
United States District Judge


C. CLYDE ATKINS
Senior United States District Judge