

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
OFFICE OF THE CLERK**



NOTICE

DATE: April 12, 2001

SUBJECT: PROCEDURAL CLARIFICATION

This notice provides procedural guidance on how the Clerk's office processes removals, transfer of claims, and court registry funds. This information is also available on our website: www.txnb.uscourts.gov

PROCEDURE FOR REMOVAL (FED. R. BANKR. P. 9027)

Pursuant to 28 U.S.C. § 151, the bankruptcy court is a unit of the district court, and in this district, pursuant to 28 U.S.C. § 157(a), it has been referred all cases under the Bankruptcy Code and all proceedings arising under the Bankruptcy Code or arising in or related to a case under the Bankruptcy Code (see United States District Court Miscellaneous Rule No. 33). Although the language in Federal Bankruptcy Rule 9027 refers to removal to the district court, removal of matters that affect the administration of the bankruptcy estate should, in accordance with the order of reference, be removed to the bankruptcy court.

A notice of removal of a claim or cause of action related to a bankruptcy case shall be filed with the bankruptcy clerk. If the removal is based on a bankruptcy case pending in this district, it will be assigned an adversary

proceeding number and assigned to the judge handling the related bankruptcy case. If the removal is based on a case pending in another district, it will be assigned a miscellaneous case number and assigned to a judge by random draw.

The current fee for filing a removal is \$150.00.

TRANSFER OF CLAIM (FED. R. BANKR. P. 3001)

The transfer of claim provision of this rule provides that if a timely objection is not filed within 20 days of the notice of transfer “the transferee shall be substituted for the transferor.” If an objection is timely filed and “the court finds, after notice and a hearing, that the claim has been transferred,” the court will enter an order regarding the transfer. Absent any objection, an order is not required to complete the transfer of claim.

COURT REGISTRY FUND

Authorization to deposit funds or property into the court registry must be requested by motion to the court. The motion must be styled for the express purpose of conveying custodianship of the money or property into the court’s registry. The motion must specifically identify, and in the case of monetary assets, the specific dollar amount to be deposited.

A party requesting disbursement of property held in the registry must do so by motion to the court. The motion must be styled for the express purpose of transferring custodianship of the property from the registry to the party or parties named by the petitioner. The motion should specifically identify the funds or property to be disbursed, as well as the specific party or parties to whom the disbursement is to be made. In the case of monetary assets, the specific dollar amount payable to each party must be stated.

Orders for disbursement from the registry must be styled for the singular purpose of directing the clerk to disburse funds or property from the registry. All disbursement directions must be embodied in the order. The order must state the specific property or amount to be disbursed to each party. Interest earnings on registry deposits will be disbursed only upon specific direction of the court, otherwise all disbursements will be made from the principal amount deposited.

No registry disbursements will be made until expiration of the appeal period provided under Fed. R. Bank. P. 8002. Disbursements of registry funds are made

by issuance of a U. S. Treasury check via first class postal delivery. Directions for an alternative method of disbursement must be explicitly stated within the order directing disbursements. Request for an alternative method of disbursement must be coordinated through the court's financial office.

Questions regarding the court registry fund should be directed to Ms. Maydelle Johnson at 214-753-2007.

FOR THE COURT

Tawana C. Marshall
Clerk of Court