

1 **1-102. Deposit of litigant funds.**

2 A. **Distinct accounts.** Litigant funds deposited with the district court shall be
3 deposited by the court within two (2) business days of receipt in one or more trust fund
4 checking accounts in a bank that is a member of the Federal Deposit Insurance
5 Corporation distinct from the court's accounts for general funds. [~~Such funds shall be~~
6 ~~deposited in an interest bearing account appropriate for the type of deposit.~~]

7 B. **Interest bearing accounts.** Funds deposited in a trust fund checking
8 account under Paragraph A of this rule shall be invested in accordance with Section 34-6-
9 36 NMSA 1978 in obligations of the United States or in an interest bearing account [~~may~~
10 ~~be deposited only~~] in a financial institution insured by the Federal Deposit Insurance
11 Corporation or the Federal Savings & Loan Insurance Corporation, as may be prescribed
12 by regulation of the Director of the Administrative Office of the Courts. To the extent
13 that the [~~amount of~~] funds are deposited [~~in any such account exceeds the maximum~~
14 ~~insured amount such excess must be fully secured in the same manner as provided in~~
15 ~~Section 6-10-16 NMSA 1978 Comp.~~] with the court in accordance with Section 42A-1-
16 19 NMSA 1978, the funds shall be invested by the court clerk in federal securities or in
17 federally-insured interest bearing accounts in a financial institution located within the
18 court's judicial district.

19 C. **Interest.** Interest on deposits shall inure to the benefit of the person
20 entitled to the principal only as follows:

21 (1) in proceedings [~~when~~] if a single deposit of twenty-five thousand

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1 dollars (\$25,000) or more is made for a minimum period of thirty (30) days and the court,
2 [~~upon~~] on the request and stipulation of the parties, so orders; or

3 (2) in an eminent domain proceeding [~~when~~] if the applicable statute
4 provides for investment at interest for the benefit of a party.

5 D. **Records of clerk.** In any case in which interest is ordered to be paid [~~to~~
6 ~~the litigant pursuant to~~] under Paragraph C of this rule, the clerk shall, before making
7 payment, ascertain the amount of interest included in [~~such~~] the payment and shall
8 require the payee to furnish [~~the payee's social security number or employer~~
9 ~~identification number, and the payee's mailing address~~] a completed Form W-9 (Request
10 for Taxpayer Identification Number and Certification) providing the payee's name,
11 mailing address, and taxpayer identification number. The clerk shall make and keep a
12 record of the payee's name, [~~number and~~] mailing address, taxpayer identification
13 number, and the amount of interest included in [~~such~~] the payment.

14 E. **Administrative trust account.** Deposits other than those made [~~pursuant~~
15 ~~to~~] under Subparagraph [(1) or (2) of Paragraph C] (C)(1) or (C)(2) of this rule shall be
16 made in a separate account designated the administrative trust account. The clerk shall
17 distribute to the state treasurer interest earned on the administrative trust account within
18 ten (10) days after receipt by the clerk of each monthly statement dealing with [~~such~~] the
19 account.

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- 1 [As amended by Supreme Court Order No. 21-8300-018, effective for all cases pending
2 or filed on or after December 31, 2021.]