



MARY LOUISE GARCIA
County Clerk

TARRANT COUNTY COURTHOUSE

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Fort Worth Texas 76196-0401

LANGUAGE FOR ORDERS TO WITHDRAW FUNDS FROM A COURT'S REGISTRY

LANGUAGE FOR ORDERS TO WITHDRAW FUNDS FROM THE REGISTRY OF THE COURT AND/OR THE GENERAL FUND

As ministerial officers, County Clerk Office employees are barred from using their personal discretion when performing functions for a court. Thus, when presented with an order from a court, a County Clerk employee must perform in strict conformity with the order's language and not make any assumptions or personal interpretations. Orders to disburse funds must be clear, complete and void of any uncertainty. Therefore, to avoid any unnecessary delays in the disbursement of funds, please consider the following four issues when drafting an order to disburse:

1. Does the order clearly state the COUNTY CLERK IS ORDERED TO issue the check?
2. Does the order state exactly who is to receive the check? For example: The County Clerk is ordered to ISSUE A CHECK PAYABLE TO JEAN LOUISE DOE.
3. Does the order include the amount to be paid and reference to the accrued interest? For example: The County Clerk is ordered to issue a check payable to Jean Louise Doe FOR AN AMOUNT EQUAL TO ALL FUNDS PLUS ACCRUED INTEREST or THE PRINCIPLE AMOUNT OF \$_____, PLUS ACCRUED INTEREST.
4. Does the order WAIVE THE 30-DAY WAITING PERIOD? Without this language, we will wait 30 days before making the disbursement. Language such as "immediately", "instanter", and "without delay" are not sufficient to waive the 30-day waiting period.

When an order's language does not address the above four areas, our office will be unable to make a disbursement until the corrections are made.

Per Chapter 117 of the Texas Local Government Code for funds deposited in the registry of the court -

"We are required by Texas Local Government Code 117.054 to pay 10 percent of the interest earned on the investment to the general fund of the county. If funds are not invested, Texas Local Government Code 117.055 requires that at the time of withdrawal, we deduct from the amount of the withdrawal a fee in an amount equal to five percent of the withdrawal, but that may not exceed \$50. Withdrawal of funds generated from a case arising under the Family code is exempt from the fee deduction provided by this section.