Instructions for Filing Application for Payment of Unclaimed Funds

These template instructions can be modified by a bankruptcy court as needed.[1]

Unclaimed funds are held by the court for an individual or entity who is entitled to the money but who has failed to claim ownership of it. The United States Courts, as custodians of such funds, have established policies and procedures for holding, safeguarding, and accounting for the funds.

I. Searching Unclaimed Funds

To search unclaimed funds, use the Unclaimed Funds Locator at https://ucf.uscourts.gov/. Select_____ (*name of court*) from the dropdown list and enter the applicable search criteria. If you need access to a computer to perform the search, you may use the court's public computer terminal(s) located at _____. Additionally, you may contact the Clerk's office at xxx-xxx-xxxx to verify unclaimed funds balances.

Note to court: If your court is not using the Unclaimed Funds Locator, please specify how your court is making unclaimed funds data accessible to the public.

II. Filing Requirements for Payment of Unclaimed Funds

a. Application for Payment of Unclaimed Funds

Any party who seeks the payment of unclaimed funds must file an Application for Payment of Unclaimed Funds in substantial conformance with the court's standard application form and serve a copy of the application on the United States Attorney for the District of _____. For purposes of this procedure, the "Applicant" is the party filing the application, and the "Claimant" is the party entitled to the unclaimed funds. The Applicant and Claimant may be the same.

b. Supporting Documentation

1. Payee Information

Funds are payable to the Claimant. In conjunction with the Application for Payment of Unclaimed Funds, Claimant's tax identification number (TIN) must be provided to the court on a certification form signed by the Claimant to whom funds are being distributed.

A. Domestic Claimant

A Claimant who is a U.S. person[2] must use either the AO 213 or W-9 certification form (accessible by searching on the Internal Revenue Service (IRS) website at: https://www.irs.gov/).

[1] The notes to courts appearing in italics are for internal use only and are intended to be removed in a court's final version of the instructions.

[2] "U.S. person" includes: an individual who is a U.S. citizen or U.S. resident alien; a partnership, corporation, company or association created or organized in the U.S. or under the laws of the U.S.; an estate (other than a foreign estate); or a domestic trust (as defined in 26 C.F.R. 301.7701-7).

If a Claimant wants payment via Electronic Funds Transfer (EFT), then the AO 213 form must be used.

B. Foreign Claimant

A foreign Claimant must use a W-8 certification form (accessible by searching on the IRS website at: https://www.irs.gov/) accompanied by the AO-215 form.

If you have problems completing a form, please contact the Clerk's office at xxx-xxx-xxxx.

Note to court: While making funds payable to the Claimant is included as the default language, specify above how funds are payable in your court, if different (e.g., payable jointly to the owner of record and funds locator if authorized by a power of attorney).

2. Additional Supporting Documentation

Requirements for additional supporting documentation vary depending on the type of Claimant and whether the Claimant is represented. Please read the instructions below to identify what must accompany your Application for Payment of Unclaimed Funds.

Sufficient documentation must be provided to the court to establish the Claimant's identity and entitlement to the funds. Proof of identify must be provided in unredacted form with a current address. If there are joint Claimants, then supporting documentation must be provided for both Claimants.

A. Owner of Record

The Owner of Record is the original payee entitled to the funds appearing on the records of the court. If the Claimant is the Owner of Record, the following additional documentation is required:

i. Owner of Record - Individual

a. Proof of identity of the Owner of Record (*e.g.,* unredacted copy of driver's license, other state-issued identification card, or U.S. passport that includes current address); and
b. A notarized signature of the Owner of Record (incorporated in application).

ii. Owner of Record - Business or Government Entity

a. Application must be signed by an authorized representative for and on behalf of the business or government entity;
b. A notarized statement of the signing representative's authority; and
c. Proof of identity of the signing representative (*e.g.,* unredacted copy of driver's license, other state-issued identification card, or U.S. passport that includes current address).

If the Owner of Record's name has changed since the funds have been deposited with the

court, then proof of the name change must be provided.

B. Successor Claimant

A successor Claimant may be entitled to the unclaimed funds as a result of assignment, purchase, merger, acquisition, succession or by other means. If the Claimant is a successor to the original Owner of Record, the following documentation is required:

i. Successor Claimant - Individual

a. Proof of identity of the successor Claimant (*e.g.,* unredacted copy of driver's license, other state-issued identification card, or U.S. passport that includes current address);
b. A notarized signature of the successor Claimant (incorporated in application); and
c. Documentation sufficient to establish chain of ownership or the transfer of claim from the original Owner of Record.

ii. Successor Claimant – Business or Government Entity

a. Application must be signed by an authorized representative for and on behalf of the successor entity;
b. A notarized statement of the signing representative's authority;
c. A notarized power of attorney signed by an authorized representative of the successor entity;
d. Proof of identity of the signing representative (*e.g.,* unredacted copy of driver's license, other state-issued identification card, or U.S. passport that includes current address); and
e. Documentation sufficient to establish chain of ownership or the transfer of claim from the original Owner of Record.

iii. Deceased Claimant's Estate

a. Proof of identity of the estate representative (*e.g.,* unredacted copy of driver's license, other state-issued identification card, or U.S. passport that includes current address);
b. Certified copies of probate documents or other documents authorizing the representative to act on behalf of the decedent or decedent's estate in accordance with applicable state law (*e.g.,* small estate affidavit); and
c. Documentation sufficient to establish the deceased Claimant's identity and entitlement to the funds.

Note to court: Your court may choose to tailor these instructions based on the laws in your state.

C. Claimant Representative

If the Applicant is Claimant's attorney or other representative, the following documentation is required:

i. Proof of identity of the representative (*e.g.,* unredacted copy of driver's license, other state-issued identification card, or U.S. passport that includes current

address);

ii. A notarized power of attorney signed by the Claimant (or Claimant's authorized representative) on whose behalf the representative is acting; and

iii. Documentation sufficient to establish the Claimant's identity and entitlement to the funds, as set forth above.

c. Proposed Order

Applicant must provide the court a proposed order in substantial conformance with the court's standard Order Granting Application for Payment of Unclaimed Funds.

Note to court: This is an option for a court that requires a proposed order in conjunction with an application.

d. Filing the Application

The application, supporting documentation, certificate of service, and proposed order must be mailed to the court at the following address:

U.S. Bankruptcy Court
_____ District of _____
[Court enters address here]

Note to court: Please identify any alternative means for filing (e.g., electronic filing with documents containing personal identifiers restricted from public access).

e. Post-Filing Process

Insert your court's procedure for processing an application here.

Suggested Practice: Any party objecting to the Claimant's request in the application shall, within twenty-one (21) days after service thereof, serve upon the Applicant and other appropriate parties and file with the court an objection to the application. If no objection is filed with the court within twenty-one (21) days after the filing of the application, the application and accompanying documents may be considered by the court without hearing. If the application is deficient, the Clerk's office may contact the Applicant for additional proof of identity or entitlement to the funds.

Note to court: *The 21-day objection period is not required by statute or rule; however, various courts have implemented this negative notice practice by local procedure.*

III. Links

AO-213

W-9 (accessible by searching on the IRS website at: https://www.irs.gov/)

W-8 (accessible by searching on the IRS website at: https://www.irs.gov)

AO 215

Fill in this Information to identify the case:

Debtor 1 _____
First Name Middle Name Last Name

Debtor 2 _____
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: _____ District of _____
(State)

Case number:

Form 1340 (12/19)

APPLICATION FOR PAYMENT OF UNCLAIMED FUNDS

1. Claim Information

For the benefit of the Claimant(s)[1] named below, application is made for the payment of unclaimed funds on deposit with the court. I have no knowledge that any other party may be entitled to these funds, and I am not aware of any dispute regarding these funds.

Note: If there are joint Claimants, complete the fields below for both Claimants.

Amount:	
Claimant's Name:	
Claimant's Current Mailing Address, Telephone Number, and Email Address:	

2. Applicant Information

Applicant[2] represents that Claimant is entitled to receive the unclaimed funds because (*check the statements that apply*):

☐ Applicant is the Claimant and is the Owner of Record[3] entitled to the unclaimed funds appearing on the records of the court.

☐ Applicant is the Claimant and is entitled to the unclaimed funds by assignment, purchase, merger, acquisition, succession or by other means.

☐ Applicant is Claimant's representative (*e.g.,* attorney or unclaimed funds locator).

☐ Applicant is a representative of the deceased Claimant's estate.

3. Supporting Documentation

☐ Applicant has read the court's instructions for filing an Application for Unclaimed Funds and is providing the required supporting documentation with this application.

[1] The Claimant is the party entitled to the unclaimed funds.
[2] The Applicant is the party filing the application. The Applicant and Claimant may be the same.
[3] The Owner of Record is the original payee.

4. Notice to United States Attorney

☐ Applicant has sent a copy of this application and supporting documentation to the United States Attorney, pursuant to 28 U.S.C. § 2042, at the following address:

Office of the United States Attorney
_____ District of _____
[Court enters address here]

5. Applicant Declaration
Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: _____

_____
Signature of Applicant

_____
Printed Name of Applicant

Address:

Telephone: _____

Email: _____

5. Co-Applicant Declaration (if applicable)
Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: _____

_____
Signature of Co-Applicant (if applicable)

_____
Printed Name of Co-Applicant (if applicable)

Address:

Telephone: _____

Email: _____

6. Notarization
STATE OF _____

COUNTY OF _____

This Application for Unclaimed Funds, dated _____ was subscribed and sworn to before me this_____day of_____, 20_____by

_____
who signed above and is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument. WITNESS my hand and official seal.

(SEAL) Notary Public _____

My commission expires:

6. Notarization
STATE OF_____

COUNTY OF_____

This Application for Unclaimed Funds, dated _____ was subscribed and sworn to before me this_____day of_____, 20_____by

_____
who signed above and is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument. WITNESS my hand and official seal.

(SEAL) Notary Public_____

My commission expires: