

United States Bankruptcy Court
Middle District of North Carolina

Unclaimed Funds Procedures

All Unclaimed Funds paid into the court pursuant to 11 U.S.C. Section 347 (a) are deposited into the United States Treasury. To search for Unclaimed Funds or print the Unclaimed Funds Report, [click here](#).

A. Request for Unclaimed Funds is typically requested by the following parties:

1. **By An Owner of Record** - ([click here for instructions to request funds](#))
2. **By A Successor in Interest** - ([click here for instructions to request funds](#))
3. **A Representative Claimant** (Ex. Funds Locator) - ([click here for instructions to request funds](#))

B. General information for the payment of Unclaimed Funds:

1. Claimant must submit a Motion for Payment of Unclaimed Funds ([click here for example](#)) along with a Proposed Order for Payment of Unclaimed Funds ([click here for example](#)) to the *Clerk of the U.S. Bankruptcy Court, P.O. Box 26100, Attn: Finance Dept., Greensboro, NC 27402-6100*.
2. Claimant must serve a **copy** of the Motion for Payment of Unclaimed Funds upon the *U.S. Attorney for the Middle District of North Carolina, 101 South Edgeworth St. 4th floor, Greensboro, NC 27401*, upon the original owner, if appropriate, and upon any other party who may have an interest in the funds and attach a Certificate of Service ([click here for example](#)) with the original Motion for Payment of Unclaimed Funds.
3. Any payment made to a claimant represented by an attorney will be issued to the claimant and will be mailed to the attorney unless otherwise ordered by the court.
4. For the purpose of filing a request to recover Unclaimed Funds, a corporation or individual who is the original claimant can make a written request for payment of monies on a pro se basis.
5. For financial purposes, the court requires the claimant to provide the court with a W-9 form that includes social security number or tax identification number and signature. ([click here to access form](#))

C. Claimants must prove identity through at least one of the following methods:

1. An individual, appearing personally before the Clerk of this court or the Clerk's designee, must provide, along with the written Motion for Payment of Unclaimed Funds, documentation evidencing proof of identity, such as an unexpired passport or valid driver's license.
2. An individual, not appearing personally before the Clerk of this court or the Clerk's designee, must file with the written Motion for Payment of Unclaimed Funds an affidavit with the certificate of a notary public. Such affidavit must bear the seal of the notary, and indicate that the notary has examined the motion and documents presented by the claimant/filer to establish identity. Copies of any documents used to establish identity, such as an unexpired passport, valid driver's license, or social security card, must be attached to the affidavit.
3. A corporate representative appearing for the corporation must attach to the Motion for Payment of Unclaimed Funds an affidavit of the Chief Executive Officer stating that such representative is a duly authorized representative of the corporation. If the creditor/claimant is a successor corporation, documents establishing the chain of ownership of the original corporate claimant must be provided as proof of entitlement to the unclaimed funds being held.

If applicable, proof of sale of the company, new and prior owners, and a copy of the terms of any purchase agreement or stipulation by prior and new owners of right of ownership to the unclaimed funds must be provided. Copies of all documents evidencing assignment must be appended to the motion.

4. A representative of a deceased creditor/claimant must provide a certified copy of all probate documents, including a copy of the death certificate, to substantiate the representative's right to act on behalf of the decedent's estate.
5. Additional proof of identity or entitlement to funds may be requested, if required, on a case by case basis.

D. Hearing

The request for the payment of Unclaimed Funds may be granted without a hearing. If a hearing is scheduled, the court will send a notice of the date and time for the hearing to all interested parties.

E. Fraud

Any request presented to the Court for unclaimed funds which appears to be based upon fraud will be referred to the U. S. Attorney for investigation and prosecution.

Information and Documentation for Motion for Payment of Unclaimed Funds

I. A request **BY AN OWNER OF RECORD** for payment of Unclaimed Funds must include the following documents:

- A. **Motion for Payment of Unclaimed Funds** ([click here for example](#)) which must include the following:
 - The debtor's name
 - The case number
 - The amount of the claim
 - The complete name of the party claiming the funds ("Claimant")
 - Claimant's current address
 - Claimant's social security number or tax identification number - to be attached to Motion
 - Claimant's telephone number
 - Reason original check was not received or negotiated
 - Claimant's signature

- B. **Certificate of Service** ([click here for example](#)) showing service of a **copy** of the Motion for Payment of Unclaimed Funds
 - Upon the U.S. Attorney for the Middle District of NC at mailing address:
101 South Edgeworth St. 4th floor, Greensboro, NC 27401, and
 - Upon any other party who may have an interest in these funds

- C. **Proposed Order for Payment of Unclaimed Funds** ([click here for example](#)) directing payment to Claimant and including the following:
 - Debtor's name
 - Case number
 - The amount of the claim
 - Claimant's full name and correct address

Address for Motion and Proposed Order for Payment of Unclaimed Funds:

*Clerk of the U.S. Bankruptcy Court,
P.O. Box 26100, Attn: Finance Dept.,
Greensboro, NC 27402-6100*

Information and Documentation for Motion for Payment of Unclaimed Funds

II. A request **BY A SUCCESSOR IN INTEREST** for payment of Unclaimed Funds must include the following documents:

- A. Motion for Payment of Unclaimed Funds**, which must include the information set forth in the above Section I for **Request By An Owner of Record, and the following:**
- The full name of the original owner of funds
 - The original owner's address
 - A brief statement of the facts by which Claimant acquired the rights as successor in interest to the original owner of the funds.

A copy of the documents which show that Claimant is entitled to payment of the funds as a successor in interest to the original owner of the funds should be attached to the request. Copies of any documents from a probate or other court must be certified copies.

- B. Certificate of Service ([click here for example](#))** showing service of a **copy** of the Motion for Payment of Unclaimed Funds:
- Upon the U.S. Attorney for the Middle District of NC at mailing address:
101 South Edgeworth St. 4th floor, Greensboro, NC 27401
 - Upon the original owner, if appropriate, and
 - Upon any other party who may have an interest in these funds
- C. Proposed Order for Payment of Unclaimed Funds ([click here for example](#))** directing payment to Claimant and including the following:
- Debtor's name
 - Case number
 - The name of the original owner
 - The amount of the claim
 - Claimant's full name and correct address

Address for Motion and Proposed Order for Payment of Unclaimed Funds:

*Clerk of the U.S. Bankruptcy Court,
P.O. Box 26100, Attn: Finance Dept.,
Greensboro, NC 27402-6100*

Information and Documentation for Motion for Payment of Unclaimed Funds

III. A request by **A REPRESENTATIVE CLAIMANT** (such as a Funds Locator) for payment of Unclaimed Funds must include the following documents:

- A. Motion for Payment of Unclaimed Funds**, which must include all the information set forth in the above Section I for **OWNER OF RECORD** and Section II for **SUCCESSOR IN INTEREST** (if applicable), **and the following:**
- If available, the original owner's current address
 - A brief statement of the authority under which the Representative Claimant is asserting a claim to the funds.
 - If the Representative Claimant is asserting a claim on behalf of a successor to the original owner, the full name, current address, social security number or tax ID number of the successor, and a brief statement of the facts by which the successor acquired rights to the funds.

A copy of the documents which show the authority under which the Representative Claimant is asserting a claim to the funds should be attached to the Motion. If the Representative Claimant is proceeding under a power of attorney, an original Power of Attorney form which contains a notarized signature must be attached.

- B. Certificate of Service ([click here for example](#))** showing service of a **copy** of the Motion for Payment of Unclaimed Funds:
- Upon the U.S. Attorney for the Middle District of NC at mailing address:
101 South Edgeworth St. 4th floor, Greensboro, NC 27401
 - Upon the party for whose behalf the claim is asserted, and
 - Upon any other party who may have an interest in these funds
- C. Proposed Order for Payment of Unclaimed Funds ([click here for example](#))** directing payment to Claimant and including the following:
- Debtor's name
 - Case number
 - The name of the original owner
 - The amount of the claim
 - Claimant's full name and correct address

Address for Motion and Proposed Order for Payment of Unclaimed Funds:

*Clerk of the U.S. Bankruptcy Court,
P.O. Box 26100, Attn: Finance Dept.,
Greensboro, NC 27402-6100*

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

IN RE:) **Case No.:** _____
)
[Type Debtor's Name]) **Chapter:** _____
)
Debtor(s))

MOTION FOR PAYMENT OF UNCLAIMED FUNDS

1. A dividend check in the amount of \$ _____ was issued by the trustee to _____, claimant in the above referenced case.
2. The dividend check was not negotiated by the claimant. Therefore, the trustee, pursuant to 11 U.S.C. Section 347 (a), delivered the unclaimed funds to the Clerk of the U.S. Bankruptcy Court of the Middle District of North Carolina. The United States Treasury is currently holding these funds.
3. The claimant's current address and telephone number are:
Name:
Address:
Telephone number:
4. The claimant's social security or tax identification number is provided to the court on an IRS Form W-9.
5. The claimant did not receive or negotiate the dividend check for the following reason(s):
6. I am the claimant named in paragraph #1. To the best of my knowledge, no other party is entitled to these funds. Proof of my identity is attached.

Wherefore, the claimant requests that the court issue an order directing the Clerk to make disbursement of said Unclaimed Funds for the benefit of the claimant.

DATED:

Claimant's Signature

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

IN RE:) **Case No.:** _____
)
) **Chapter:** _____
)
 Debtor(s))

ORDER FOR PAYMENT OF UNCLAIMED FUNDS

IT APPEARING that pursuant to an Order previously entered by this Court, the amount of _____ was paid into the court by the Trustee for deposit into the U.S. Bankruptcy Court's Unclaimed Funds Account, representing funds paid to _____, which were not negotiated by said claimant; and

IT FURTHER APPEARING that the Claimant has made an official request to the court for these funds to be paid, and the request and documents attached establish that the Claimant is entitled to Unclaimed Funds; and the court having verified that the funds are available for distribution to this Claimant, and for sufficient reasons appearing,

IT IS ORDERED that the Clerk, U.S. Bankruptcy Court, shall process this request for a check to be issued from the Unclaimed Funds Account in the total amount of _____ payable to _____ and send said check to payee at the following address: _____.

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

IN RE:) **Case No.:** _____
)
[Type Debtor's Name]) **Chapter:** _____
)
Debtor(s))

CERTIFICATE OF SERVICE

The undersigned (type or print name) _____
of (type or print address) _____

hereby certifies:

That I am, and at all times hereinafter mentioned, more than 18 years of age, and that on the _____ day of _____, 20____, I served a copy of the foregoing Motion for Payment of Unclaimed Funds, upon the parties listed below by First Class Mail:

- U.S. Attorney for the Middle District of NC
101 South Edgeworth St. 4th floor
Greensboro, NC 27401

- (insert name and address of all other parties served)

Executed _____
(Date)

By: _____
(Signature)