

**United States Bankruptcy Court  
Middle District of North Carolina  
Instructions for Filing Application for Payment of Unclaimed Funds**

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. These instructions are to be read in conjunction with Local Rule 3011-1; should there be any conflict between these instructions and the rule, the rule controls.

**I. Searching Unclaimed Funds**

To search unclaimed funds, use the Unclaimed Funds Locator at <https://ucf.uscourts.gov/>. Select NCMB – North Carolina 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 101 S Edgeworth Street, Greensboro, NC or 601 W. 4th Street, Winston-Salem NC. Additionally, you may contact the Clerk’s office at 336-358-4000 to verify unclaimed funds balances.

**II. Filing Requirements for Payment of Unclaimed Funds**

**a. Form 1340 - Application for Payment of Unclaimed Funds**

Any party who seeks the payment of unclaimed funds must submit Form 1340 Application for Payment of Unclaimed Funds ([click here to access form](#)) to the Clerk of the U.S. Bankruptcy Court, P.O. Box 26100, Greensboro, NC 27402-6100.

Claimant must serve a copy of Form 1340 Application for Payment of Unclaimed Funds on the United States Attorney for the District of North Carolina, 101 South Edgeworth Street, Greensboro, NC 27401, upon the original owner, if appropriate, and upon any other party who may have an interest in these funds. Claimant must also attach a Certificate of Service ([click here to access example](#)).

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<sup>1</sup> must use either the AO 213 ([click here to access form](#)) or W-9 certification form (accessible by searching on the Internal Revenue Service (IRS) website at: <https://www.irs.gov/>). 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 336-358-4000.

## **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 identity 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, Form 1340 Application for Payment of Unclaimed Funds must be completed in full and signed, and 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)
- b. A notarized signature of the Owner of Record (incorporated in application)
- c. Reason original check was not received or negotiated

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<sup>1</sup> "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).

**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
- 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)
- d. Reason original check was not received or negotiated

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, Form 1340 Application for Payment of Unclaimed Funds must be completed in full and signed, 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)
- c. Documentation sufficient to establish chain of ownership or the transfer of claim from the original Owner of Record
- d. Full name of the original owner of funds
- e. Original owner's address
- f. A brief statement of the facts by which Claimant acquired the rights as successor in interest to the original owner of the funds.

**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. Full name of original owner of funds
- c. Original owner's address
- d. A brief statement of the facts by which Claimant acquired the rights as successor in interest to the original owner of the funds.
- e. A notarized statement of the signing representative's authority
- f. A notarized power of attorney signed by an authorized representative of the successor entity
- g. 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)

- h. Documentation sufficient to establish chain of ownership or the transfer of claim from the original Owner of Record.
- i. 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 Form 1340 Application for Payment of Unclaimed Funds.

**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 including a copy of the death certificate 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)
- c. Documentation sufficient to establish the deceased Claimant's identity and entitlement to the funds.

**C. Claimant Representative (Ex. Funds Locator)**

If the Applicant is Claimant's attorney or other representative, Form 1340 Application for Payment of Unclaimed Funds must be completed in full including the case number, signature and 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. Full name of the original owner of funds
- iii. If available, the original owner's current address
- iv. A brief statement of the authority under which the Representative Claimant is asserting a claim to the funds
- v. If the Representative Claimant is asserting a claim on behalf of a successor to the original owner, the full name, current address, social security or tax ID of the successor, and a brief statement of the facts by which the successor acquired rights to the fund.
- vi. Reason original check was not received or negotiated
- vii. An original notarized power of attorney signed by the Claimant (or Claimant's authorized representative) on whose behalf the representative is acting; and
- viii. Documentation sufficient to establish the Claimant's identity and entitlement to the funds, as set forth above.

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.

**c. Proposed Order**

Applicant must provide the court a proposed order ([click here to access order](#)) in substantial conformance with the court's standard Order Granting Application for Payment of Unclaimed Funds.

**d. Filing the Application**

Form 1340 Application for Payment of Unclaimed Funds, supporting documentation of either AO 213 or W-9, certificate of service, and proposed order must be mailed to the court at the following address:

U.S. Bankruptcy Court  
Middle District of North Carolina  
P.O. Box 26100  
Attn: Finance Dept.  
Greensboro, NC 27402-6100

**e. Post-Filing Process**

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.

### **III. Links**

[Form 1340 – Application for Payment of Unclaimed Funds](#)

[Certificate of Service](#)

[Proposed Order](#)

[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](https://www.irs.gov/))

[AO 215](#)

### **IV. 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.