

I 107 11111

INFORMATION AND DOCUMENTATION REQUIRED FOR PETITION FOR UNCLAIMED FUNDS

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

- **Petition** for Payment of Unclaimed Funds, which must include the following:

- The debtor's name
- The Chapter number (7, 11 or 13)
- The judge's name
- The complete name of the party claiming the funds ("Claimant")
- Claimant's social security number or tax identification number
- Claimant's previous address
- Claimant's current address
- The amount of the claim
- Claimant's signature

If Claimant is an **individual**, Claimant's signature must be **notarized** or, if the individual is represented by an attorney, the petition must be **verified**. A Claimant who is an individual also must attach to the Petition a **copy of his or her driver's license and a copy of his or her social security card**.

If Claimant is a **corporation**, the Petition must be signed by a corporate officer, must contain the **corporate seal** and must contain a statement of the signing officer's authority. If the corporation is represented by an attorney, the petition must be accompanied by a corporate resolution signed by a corporate officer, containing the corporate seal and containing a statement of the signing officer's authority.

If Claimant is a **partnership**, the Petition must be signed by the general partner(s) and must contain a statement of the signing person's authority. If the partnership is represented by an attorney, the petition must be **verified** by the general partner(s), containing a statement of the signing officer's authority.

- A **certificate of service** showing service of a copy of the petition
 - upon the U.S. Attorney and
 - upon any other party who may have an interest in the funds
- A proposed **order** directing payment to Claimant, and includes the following:
 - The date the funds were originally remitted to the Registry of the Court
 - The amount of the claim
 - Claimant's full name and correct address

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

- **Petition for Payment of Unclaimed Funds, which must include the information set forth above, plus the following:**
 - The full name of the original owner of the funds.
 - The original owner's social security number or tax identification number
 - The original owner's previous address
 - A brief statement of the facts by which Claimant acquired the rights as successor in interest to the original owner of the funds.

Copies of 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 Petition. Copies of any documents from a probate or other court must be certified copies.
- **A certificate of service showing service of a copy of the petition**
 - upon the U.S. Attorney,
 - upon the original owner, if appropriate, and
 - upon any other party who may have an interest in the funds.
- **A proposed order directing payment to Claimant, and includes the following:**
 - The date the funds were originally remitted to the Registry of the Court and the name of the original owner
 - The amount of the claim
 - Claimant's full name and correct address

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

- **Petition for Payment of Unclaimed Funds, which must include all the information required in number I and II above (if applicable), plus 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.

Copies of documents which show the authority under which the Representative Claimant is asserting a claim to the funds should be attached to the Petition, except that if the Representative Claimant is proceeding under a power of attorney, an original power of attorney form, which conforms to Georgia law and which contains a notarized signature.

- A certificate of service showing service of a copy of the petition
 - upon the U.S. Attorney,
 - upon the party for whose behalf the claim is asserted, and
 - upon any other party who may have an interest in the funds.
- A proposed order directing payment to Claimant, and includes the following:
 - The date the funds were originally remitted to the Registry of the Court and the name of the original owner
 - The amount of the claim
 - Claimant's full name and correct address

IV. Hearings

The petition 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.

V. Fraud

Any Petition for Unclaimed Funds which appears to be based upon fraud will be referred to the U.S. Attorney for investigation and prosecution.

VI. Forms

Suggested forms for use in connection with a Petition of Unclaimed Funds are attached to this information sheet.

U.S. Bankruptcy Judges:

Judge Joyce Bihary
 Judge W.H. Drake
 Judge Margaret H. Murphy
 Judge James E. Massey
 Judge Robert E. Brizendine
 Judge C. Ray Mullins
 Judge Paul W. Bonapfel
 Judge Mary Grace Diehl

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
DIVISION

IN THE MATTER OF: : Case No. _____
: :
: : Chapter _____
: :
Debtor(s) : Judge _____

PETITION FOR PAYMENT OF UNCLAIMED FUNDS

A dividend check in the amount of \$ _____ was issued in the above-styled bankruptcy case to [Insert name of original owners of record of the funds], whose mailing address at the time of issue was _____

Because that check was not cashed by said payee, pursuant to 11 U.S.C. §347(a), on _____, 200____, the trustee paid those unclaimed funds to the Clerk, U.S. Bankruptcy Court.

Application is hereby made to pay these unclaimed funds to [type or print Claimant's name] at [insert Claimant's current address]. [Insert any further facts or information necessary to establish Claimant's rights to the Unclaimed Funds.]

This ___ day of _____, 20__.

Signature of Claimant

Social Security or Tax ID number

Sworn to and subscribed to before
me this ___ day of _____, 20__.

If applicable, affix
Corporate Seal

Notary Public in and for the
State of _____
My commission expires _____

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
(Atlanta, Gainesville, Newnan or Rome) DIVISION

IN THE MATTER OF: : Chapter [Insert 7, 11, or 13]
: :
[Type Debtors Names] : : Case No. _____
: :
Debtor(s) : : Judge [Last Name]

ORDER FOR PAYMENT OF UNCLAIMED FUNDS

On the ___ day of _____, 200__, the Trustee filed a Trustee's Notice and Payment into the Court for Unclaimed Funds and issued a check to the Clerk, U.S. Bankruptcy Court, for deposit into the Registry of the Court in the amount of \$ _____ on behalf of [Insert name of original owner of record of the funds](Claimant). On _____, 200__, Claimant filed a petition seeking payment. The petition and the documents attached thereto establish that Claimant is entitled to the Unclaimed Funds. Accordingly, it is hereby

ORDERED that the Clerk, U.S. Bankruptcy Court, shall issue a check in the amount of \$ _____ payable to _____ and shall send said check to payee at the following address: _____

IT IS SO ORDERED this ___ day of _____, 20__.

[Judge's Complete Name]
UNITED STATES BANKRUPTCY JUDGE

[Insert information required
by BLR 9013-3(b) and attach
a distribution list as required
by BLR 9013-3(c)]