

INSTRUCTIONS WHEN APPLYING FOR REIMBURSEMENT OF UNCLAIMED FUNDS:

All applications shall contain sufficient documentation to establish the identity of the claimant and the authority of the applicant to make the claim, verifying entitlement to the funds. **Should the Finance Department find that the application is incomplete or the instructions have not been met, a deficiency letter shall be issued to the claimant. If the deficiency letter is not cured within 30 days, the Court will cease processing the application.**

1. All affidavits for Reimbursement of Unclaimed Dividends MUST BE NOTARIZED.
2. If the Notary Public signing the form is from a state other than New York, then the Notary Public should supply a **County Clerk's certificate showing that the notary is in good standing**
3. In the case of a power of attorney, original documentation is required showing that the power of attorney is still in effect.
4. ALL DOCUMENTS MUST BE LEGIBLE.
5. DOCUMENTATION MUST NOT BE ALTERED IN ANY WAY.
6. Any claimant entitled to any monies must **serve notice** to the **United States Attorney's Office** pursuant to 28 U.S.C. Sec. 2042 by sending **copies** of all documentation submitted to the Bankruptcy Court to :

Lawrence Fogelman
Chief, Tax and Bankruptcy Unit
United States Attorney's Office, SDNY
86 Chamber Street,
New York, N.Y. 10007

7. **Declaration of Service** as proof that notice has been served on the United States Attorney's office.
8. **Form W-9 (Request for Taxpayer Identification Number and Certification) or AO-213 (Vendor Information/TIN Certification)**
9. Completed application which should include:

- a. a **proposed order to release unclaimed funds**,
- b. **Affidavit for Reimbursement of Unclaimed Dividend**, with the required
- c. supporting documentation; including proof of identity
- d. **Declaration of Service to the United States Attorney's Office** and all other **original** documentation should be submitted for processing to:

U.S. Bankruptcy Court, SDNY
Financial Section
One Bowling Green,
New York, NY 10004-1408

Any questions regarding your application should be directed to the Financial Section at the above address or by calling **(212) 284-4016** or **(212) 284-4087**

10. **ALL INDICATIONS OF FRAUD WILL BE PROMPTLY FORWARDED TO THE UNITED STATES ATTORNEY FOR REVIEW. PURSUANT TO 18 U.S.C. SEC. 152 AND 3571.**

11. Address of original creditor as reflected on Court Record (meaning address on original check) must be verified by copies of utility bills, signed tax return, cancelled checks or other documentation.
12. If the name of the creditor differs from the original creditor named in the Trustee's Report of Unclaimed Dividends, attach documentation of any name changes to demonstrate that the name(s) can be proven to be the original entity.
13. Names of previous/ present owner(s) must be documented
14. Copies of certificates merger, purchase agreements, stipulation of ownership rights or other documentation are acceptable.
15. If petitioner is an individual the person must provide copy of official government photo id; i.e., current driver's license/ U.S. Passport, and **social security number**. In the case of an individual, **the notarized application is required** along with supporting documentation to show that the claimant is entitled to the funds.
16. Petitioner's name, address and phone number are to be provided.
17. If the petitioner is a corporation or other business entity, it must provide its **Federal Tax Identification number. Corporations should also attach their corporate seal.**
 - a. If applicant is a corporation, the applicant/claimant must attach documentation that establishes that the person executing the application is authorized to submit the application.
 - b. When a successor business/corporation claimant petitions the court for release of unclaimed funds, the claimant must provide documentation establishing chain of ownership from the original business claimant.

If the claimant is a corporation, partnership or other entity, the application must include the following documentation, as applicable:

- c. Active corporation/limited liability company
 1. current list of officers and directors or members
 2. certified copy of Articles of Incorporation/Organization
 3. imprint of the corporate seal, if applicable, or notarized statement that corporate seal is not available
 4. business card reflecting claimant=s name, officer or representative=s name and title attached to company letterhead stationery.
- d. Inactive corporation/limited liability company
 1. final list of officers and directors
 2. certified copy of articles of incorporation/organization
 3. certified copy of articles of dissolution (or similar document)
 4. date and list of final distribution of assets
- e. Sole Proprietorship
 1. a copy of photo identification of the sole proprietor showing the sole proprietor=s signature (eg. driver=s license or passport).
 2. document showing business address at the time of the bankruptcy case (eg. Copy of invoice, sales tax permit, business license, etc.)
- f. Partnership
 1. Certificate of Partnership and/or Partnership Agreement
 2. written documentation from all partners authorizing the representative to

claim the funds on their behalf

18. If applicant is an **attorney** or a **“funds locator”** acting as the agent or representative of the claimant, the application must include:
 - a. An **original** power of attorney containing the **notarized** signature of the individual claimant or authorized representative for the corporation.
 - b. Documentation establishing the applicant is authorized to collect the unclaimed funds/take such action on behalf of Claimant
 - c. The claimant’s entitlement to the particular unclaimed funds.
 - d. A proof of identity; official government photo id of the owner of record/ person you are representing, must also be presented.
 - e. Applicant declares under penalty of perjury that sufficient inquiry has been made to determine that the funds have not been previously paid, no other applications for payment of said funds are pending, and not party other than the claimant is entitled to submit a request for disbursement of funds.
 - f. Documentation is also needed for the person executing the power of authority demonstrating that said person is authorized to do so. (Affidavit of Secretary or Officer’s certificate)
 - g. **The power of attorney and Officer’s certificate may not be signed by the same individual**

19. The Court will make disbursements of unclaimed funds **payable only** in the name of the rightful owner of record; or jointly to the owner of record and an agent or funds locator, if authorized by the power of attorney. (The court does not make a separate payment to the funds locator, or split out its fee or commission).

20. If fund were deposited for the benefit of joint creditors, both parties must complete an Affidavit of for Reimbursement of Unclaimed Dividend and submit copies of valid photo identification.

21. For spouses: If funds were deposited in the names of both husband and wife, both must sign application and provide identification, or if one spouse is requesting release of funds in the name of that spouse only, applicant must attach a notarized affidavit stating why the funds should be released to only one spouse and not in the name of both.

22. If applicant is claiming fund on behalf of a deceased party, they must include a copy of the death certificate, probated will or letter of administration. Documents stating the applicant’s right to act on behalf of the decedent’s estate:
 - a. For assignee: Must provide chain of succession/assignment from original claimant as proof of entitlement to funds
 - b. For representative: Must provide certified copies of all probate documents to substantiate the representative right to act on behalf of the decedent’s estate
 - c. Appointment of executor.