

## **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 those funds.

### **I. Searching Unclaimed Funds**

- To search unclaimed funds, use the search module at the court's website:  
<https://www.nysb.uscourts.gov/unclaimed-funds-info>.
- Each court maintains its own case information. Electronic access is also available at a public terminal in the U.S. Bankruptcy Court's Clerk's Office, located at One Bowling Green, New York, NY 10004, Monday through Friday between 9:00 a.m. to 4:30 p.m.

### **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 a **completed Application for Payment of Unclaimed Funds** in substantial conformance with the court's standard application form and serve a copy of the Application and supporting documentation on the United States Attorney for the Southern District of New York. 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. **Original, wet signatures, including Notary and Notary seals, are required on forms and documentation submitted.**

- **Applicant(s) cannot notarize their own affidavit, nor can they notarize a Power of Attorney on behalf of a claimant.**

- **If the notarization of the application did not occur in New York state, a County Clerk's Certificate of Good Standing for the Notary Public must be attached to the application. If the county does not issue Certificate of Good Standing, then the applicant's Secretary of State Certificate of Good Standing may be submitted.**

#### **b. Supporting Documentation**

##### **1. Payee Information**

Funds are payable to the Claimant, to the Claimant c/o Claimant's Representative, or Claimant and Claimant's Representative, jointly, if authorized by the Power of Attorney. Payments to a deceased Claimant are made payable to the Estate of the Decedent. 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 213P](#) 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 213P](#) form must be used.

<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).

## **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 212-284-4091 or 212-284-4075.

## **2. Additional Supporting Documentation**

Requirements for additional supporting documentation vary depending on the type of Claimant and whether the Claimant is represented by an Attorney or other representative. 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. **Once the application is accepted as correct, the Court will contact the claimant to arrange a virtual meeting using Zoom/TEAMS to verify identity. If another party is filing on behalf of the claimant, both parties must appear in the Zoom meeting. A daytime contact number must be provided on the application for scheduling the meeting. The court reserves the right to mark the application incomplete if a virtual verification of identity meeting has not been conducted.**

### **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 (front and back, clear colored copy of ID) 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).
- c. A copy of a utility bill, license, cancelled check, W-2 or other tax forms, or any other official document with the Claimant's address as reflected in the Court's record if different from Claimant's current address.

#### **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 signed by an officer of the business or government entity; 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 (front and back, clear colored copy of ID) that includes current address).
- d. A copy of a utility bill, license, cancelled check, W-2 or other tax forms, or any other official document with the Claimant's address as reflected in the Court's record if different from Claimant's 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 (front and back, clear colored copy of ID) 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 officer 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 (front and back, clear colored copy of ID) 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 (front and back, clear colored copy of ID) 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.

**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 (front and back, clear colored copy of ID) 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 in A. Owner of Record and B. Successor Claimant.

**D. 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.

**E. Written Explanation** detailing why the claimant did not present the original disbursement for payment. Explanation of why the funds were not claimed and/or accepted by claimant during the Trustee's original disbursement(s) of funds to creditors **will not replace** proof of identity or any of the other documents submitted as part of the completed application.

**F. Certificate of Service**

Applicant must provide the court a Certificate of Service indicating that a copy of the Application and supporting documentation was served on the United States Attorney's Office for the Southern District of New York.

**G. 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  
Southern District of New York  
One Bowling Green  
New York, NY 10004  
Attn: Financial Department

The applicant may also file in person at the Court, address above.

A copy of the Application, supporting documentation, Certificate of Service and Proposed Order **must** be mailed to the United States Attorney's Office at:

LAWRENCE FOGELMAN  
CHIEF, TAX AND BANKRUPTCY UNIT  
UNITED STATES ATTORNEY'S OFFICE-SDNY  
86 CHAMBERS ST.  
NEW YORK, N.Y. 10007

***Failure to serve a copy on the United States Attorney's Office may result in the denial of your application.***

**H. 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. However, any application for unclaimed funds may be set for a hearing at the discretion of the case judge. In that case, a notice of hearing will be mailed to the applicant's address.

If the application is deficient, the Clerk's office may contact the Applicant and send a Notice of Deficiency for additional proof of identity or entitlement to the funds. All deficiencies must be cured within 30 (thirty) days, or your application may be denied.

An Order granting the Application for Payment of Unclaimed Funds will be disbursed not earlier than fourteen (14) days after the entry of the Order. The issuance of the disbursement will require an additional 14-day objection period with up 14 days for the processing of the disbursement.

### 3. **Links**

#### [AO 213P](#)

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](#)