

## **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.

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

To search unclaimed funds, use the [Unclaimed Funds Locator](https://ucf.uscourts.gov/) at <https://ucf.uscourts.gov/>. Select DEB – Delaware Bankruptcy Court 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 824 Market Street, 3rd Floor, Wilmington, Delaware 19801. Additionally, you may contact the Clerk’s office at (302) 292-2900 to verify unclaimed funds balances.

### **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 an Application for Payment of Unclaimed Funds in substantial conformance with the court’s standard application form and serve a copy of the application on the United States Attorney for the District of Delaware. 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](#) 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. Funds will be payable to the Claimant, jointly to the owner of record and/or funds locator if authorized by a power of attorney.

##### **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 (302) 252-2900.

##### **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.

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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).

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, 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); and
- b. A notarized signature of the Owner of Record (incorporated in application).

**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; 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 that includes 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 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 authorized representative 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 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 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 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.

### **c. 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. If the motion was electronically filed, the proposed order shall be uploaded under Bankruptcy/Order Upload. Ensure there is 4 inches of white space at the bottom of the proposed order without a Judge's signature line. (See proposed order attached to Local Form 127)

### **d. Filing the Application**

The application, supporting documentation, certificate of service, and proposed order may be efiled or mailed to the court at the following address with any personally identifiable information redacted pursuant to FRBP 9037:

U.S. Bankruptcy Court  
District of Delaware  
824 Market Street, 3<sup>rd</sup> Floor  
Wilmington, DE 19801

If the application is deficient, the Clerk's office may contact the Applicant for additional proof of identity or entitlement to the funds.

If efilng the application, there are 2 events that must be used when docketing. **Release of Unclaimed Funds-Motion** and **Release of Unclaimed Funds (Motion) -Restricted Access to Court Only**. The first motion will be a redacted version and the second will contain the unredacted personal information usually emailed to the court.

### **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, a Certificate of No Objection ("CNO") in compliance with LF127A shall be filed and the application may be considered by the court without hearing.

## **III. Links**

### **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/>)

### **AO 215**

**Fill in this information to identify the case**

Debtor 1

First Name

Middle Name

Last Name

Debtor 2

(Spouse, if filing) First Name

Middle Name

Last Name

United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_  
(State)

Case number:

**APPLICATION FOR PAYMENT OF UNCLAIMED FUNDS****1. Claim Information**

For the benefit of the Claimant(s)<sup>1</sup> named below, application is made for the payment of unclaimed funds on deposit with the court. I have no knowledge that any other party may be entitled to these funds, and I am not aware of any dispute regarding these funds.

Note: If there are joint Claimants, complete the fields below for both Claimants.

Amount:

Claimant's Name:

Claimant's Current Mailing  
Address, Telephone Number,  
and Email Address:**2. Applicant Information**

Applicant<sup>2</sup> represents that Claimant is entitled to receive the unclaimed funds because (*check the statements that apply*):

- ☐ Applicant is the Claimant and is the Owner of Record<sup>3</sup> entitled to the unclaimed funds appearing on the records of the court.
- ☐ Applicant is the Claimant and is entitled to the unclaimed funds by assignment, purchase, merger, acquisition, succession or by other means.
- ☐ Applicant is Claimant's representative (e.g., attorney or unclaimed funds locator).
- ☐ Applicant is a representative of the deceased Claimant's estate.

**3. Supporting Documentation**

- ☐ Applicant has read the court's instructions for filing an Application for Unclaimed Funds and is providing the required supporting documentation with this application.

<sup>1</sup> The Claimant is the party entitled to the unclaimed funds.

<sup>2</sup> The Applicant is the party filing the application. The Applicant and Claimant may be the same.

<sup>3</sup> The Owner of Record is the original payee.

**4. Notice to United States Attorney**

- ☐ Applicant has sent a copy of this application and supporting documentation to the United States Attorney, pursuant to 28 U.S.C. § 2042, at the following address:

Office of the United States Attorney  
District of \_\_\_\_\_  
1313 N. Market Street  
Wilmington, Delaware 19801

**5. Applicant Declaration**

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and any fraud in the application or supplemental materials may result in criminal penalties, see, e.g., 18 U.S.C. § 152.

Date: \_\_\_\_\_

Signature of Applicant

Printed Name of Applicant

Address:

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

**5. Co-Applicant Declaration (if applicable)**

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and any fraud in the application or supplemental materials may result in criminal penalties, see, e.g., 18 U.S.C. § 152.

Date: \_\_\_\_\_

Signature of Co-Applicant (if applicable)

Printed Name of Co-Applicant (if applicable)

Address:

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

**6. Notarization**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

This Application for Unclaimed Funds, dated \_\_\_\_\_ was subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_

who signed above and is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument. WITNESS my hand and official seal.

(SEAL) Notary Public \_\_\_\_\_

My commission expires:

**6. Notarization**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

This Application for Unclaimed Funds, dated \_\_\_\_\_ was subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_

who signed above and is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument. WITNESS my hand and official seal.

(SEAL) Notary Public \_\_\_\_\_

My commission expires: