

Instructions for Filing Application for Payment of Unclaimed Funds

Pursuant to 28 U.S.C. § 2042, a party entitled to funds in the Registry of Unclaimed Funds, “... may, on petition to the court and upon notice to the U.S. Attorney and providing full proof of the right thereto, obtain an order directing payment” of the 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 for the District of Maryland Bankruptcy Court, use the Unclaimed Funds Locator, also available on the Court’s website at www.mdb.uscourts.gov under Case Info, Unclaimed Funds. Records may be searched by case number, case name, or claimant. If you do not have access to a computer, you may use a public computer terminal located in the Clerk’s offices at the Federal courthouses. The courthouses are located at 101 W. Lombard St., Room 8530, Baltimore, MD, 21201 and 6500 Cherrywood Lane, Suite 300, Greenbelt, MD, 20770. The Clerk’s offices public hours are posted on the Court’s website. If you require a copy of a document, the cost is 10 cents per page when printed from the public terminals.

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 original Application for Payment of Unclaimed Funds in substantial conformance with the Court’s standard Application form. A copy of the Application must be served on the United States Attorney for the District of Maryland, and if the Claimant is a Successor Claimant then also on the owner of record and all other previous owner(s) of the claim at their current address. For purposes of this procedure, the “Applicant” is the party filing the Application, and the “Claimant” is the party entitled to the unclaimed funds. If applicable, the “Successor Claimant” may be entitled to the unclaimed funds by transfer, assignment, purchase, merger, acquisition or succession by other means. The Applicant and Claimant may be the same.

b. Supporting Documentation

1. Payee Information

Funds are payable to the Claimant. When an attorney or funds locator is the Applicant funds may be sent in care of the attorney or funds locator, but all funds will be issued to the original claimant. When an assignee, purchaser or successor is the Applicant, funds may be sent in care of the assignee, purchaser or successor, but all funds will be issued to the original 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. person¹ must use either the original W-9 certification form (accessible by searching on the Internal Revenue Service (IRS) website at: <https://www.irs.gov/>) or original AO 213P. If a Claimant wants payment via Electronic Funds Transfer (EFT), then the AO 213P form must be used.

B. Foreign Claimant

A foreign Claimant must use an original W-8 certification form (accessible by searching on the IRS website at: <https://www.irs.gov/>) accompanied by the original AO-215 form.

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. The Affidavit in support of Application must be an original. 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);
- b. A notarized signature of the Owner of Record (incorporated in Application);
- c. Affidavit in Support of Application for Payment of Unclaimed Funds from the Court Registry (signed and notarized);
- d. If applicable, documentation of any change of name, *i.e.,* marriage certificate

¹ "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).

- or divorce decree;
- e. Evidence of the right of ownership to the funds. Evidence of ownership may include a copy of the Trustee's Final Report or proof of claim; and
- f. If the funds are based on a secured claim, evidence that the claimant has a present right to payment on account of the original contract giving rise to the deposited funds, and that the secured claim has not otherwise been brought current or satisfied, either through payment or foreclosure.

If the funds were deposited in the names of both a debtor and joint debtor, the joint debtor also must sign the Application and have their signature notarized. The joint debtor must submit their own Affidavit in Support of Application for Payment of Motion to Withdraw Unclaimed Funds, W-9 form or AO 213 form, and valid proof of identity, without any redactions.

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, along with documentary proof that the representative is authorized to act on behalf of the entity;
- 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. Evidence of the right of ownership to the funds. Evidence of ownership may include a copy of the Trustee's Final Report or proof of claim;
- e. If the funds are based on a secured claim, evidence that the claimant has a present right to payment on account of the original contract giving rise to the deposited funds, and that the secured claim has not otherwise been brought current or satisfied, either through payment or foreclosure; and
- f. Affidavit in Support of Application for Payment of Unclaimed Funds from the Court Registry (signed and notarized).

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. If the business or government entity that was originally owed the funds has been amended, merged or dissolved, documentation must be submitted to prove the Claimant's right to the funds (proof of original ownership through current ownership).

B. Successor Claimant

A successor Claimant may be entitled to the unclaimed funds as a result of assignment, purchase, merger, acquisition, or succession 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 original 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. 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);
- c. A notarized signature of the successor Claimant (incorporated in Application);
- d. Affidavit in Support of Application for Payment of Unclaimed Funds from the Court Registry (signed and notarized);
- e. Documentation sufficient to establish chain of ownership or the transfer of claim from the original Owner of Record, with original signature from the original Owner of Record;
- f. If the funds are based on a secured claim, evidence that the claimant has a present right to payment on account of the original contract giving rise to the deposited funds, and evidence that the secured claim has not otherwise been brought current or satisfied, either through payment or foreclosure; and
- g. Evidence of the original Owner of Record's right of ownership to the funds. Evidence of ownership may include a copy of the Trustee's Final Report or proof of claim.

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, along with documentary proof that the representative is authorized to act on behalf of the successor entity;
- 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);
- e. Affidavit in Support of Application for Payment of Unclaimed Funds (signed and notarized);
- f. Evidence of the original Owner of Record's right of ownership to the funds. Evidence of ownership may include a copy of the Trustee's Final Report or proof of claim;
- g. If the funds are based on a secured claim, evidence that the claimant has a present right to payment of to the deposited funds, and that the secured claim has not otherwise been brought current or satisfied, either through payment or foreclosure; and
- h. Documentation sufficient to establish chain of ownership or the transfer of claim from the original Owner of Record to the successor entity (proof of original ownership through current ownership).

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);
- c. Affidavit in Support of Application for Payment of Unclaimed Funds from the Court Registry (signed and notarized); and
- d. Documentation sufficient to establish the deceased Claimant's identity, without any redactions, and entitlement to the funds.

C. Claimant Representative

If the Applicant is Claimant's attorney or other representative (*e.g.*, unclaimed funds locator), the following documentation is required:

- i. Additional documentation for the Claimant as required by Section II.b.2.A (Owner of Record) or Section II.b.2.B (Successor Claimant), as outlined above;
- ii. 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); and
- iii. A notarized power of attorney signed by the Claimant (or Claimant's authorized representative) on whose behalf the attorney or representative is acting.

d. Filing the Application

The Application, supporting documentation, certificate of service, and proposed order must be **mailed** to the court (not filed, electronically or otherwise) at the following address:

U.S. Bankruptcy Court
Attn: Financial Administrator
101 W. Lombard Street
Baltimore, MD, 21201

e. Post-Filing Process

The complete package containing the Application for Payment of Unclaimed Funds and supporting documents will be considered by the Court. Any party objecting to the Claimant's request in the Application for Payment Unclaimed Funds shall, within fourteen (14) 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 fourteen (14) days after service of the Application, the Application and accompanying documents may be considered by the Court without hearing. If a hearing is scheduled, the Court will send a notice of the date and time for the hearing to all interested parties.

The funds may be disbursed only after fourteen (14) calendar days from the entry of the Court's disbursement order. This is to allow the appeal period to run following entry of an order for payment of unclaimed funds.

Any Application for Payment of Unclaimed Funds which appears to be based upon fraud will be referred to the United States Attorney for investigation and prosecution.

III. 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](#)