

Application for Payment of Unclaimed Funds

Docketing Event

- Bankruptcy > Motions/Applications/Objections > Application for Payment of Unclaimed Funds
 - Bankruptcy > Miscellaneous > Supporting Documentation for Application or Motion for Payment of Unclaimed Funds
 - ❖ **Note: Due to the inclusion of a W-9 form or AO213P, the Supporting Documents for the Application are restricted from viewing by all but internal court staff, the filer (if filed electronically), the Trustee assigned to the case, and the U.S. Trustee.**
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Negative Notice: N/A

Accompanying Orders: Yes. The Court prepares the order.

Code and Rule References:

[28 U.S.C. § 2042](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/2016

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Description

Pursuant to 28 U.S.C. § 2042, a claimant entitled to any unclaimed funds held by the Court in its registry may petition the Court for the funds.

There are two ways funds are deposited into the Court's registry. First, when distribution checks sent by the trustee to creditors are not cashed (tendered) within 90 days, the trustee will send funds for the untendered checks to the Court for deposit into the Court's unpaid funds registry. Second, when a distribution check is returned to the trustee, the trustee will file a report with the Court and submit a check for deposit into the Court's unclaimed funds registry. The report will be accompanied by a check in the amount of the returned distribution. Chapter 13 Trustees may file one report with a list of multiple cases with unclaimed funds.

A party claiming funds deposited in the Court's registry must file an Application and Supporting Documents. 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. Joint Claimants, such as a husband and wife, do not have to file an Application together. The Application can be filed by one of the joint claimants requesting half the funds, representing their share of the monies on deposit. Supporting documents must be provided for both Claimants when filing an Application individually or jointly.

Many Claimants hire a funds locator who, with proof of employment by the Claimant, may file the Application. Any suspicious applications or indications of fraud will be turned over to the United States Attorney.

For exceptional requests involving multiple cases, parties may contact the Clerk of Court for directions on filing an omnibus Application.

Supporting documents for the Application will vary depending on the identity of the Applicant and Claimant. Because supporting documents contain sensitive information, such as social security numbers, DO NOT attach them to the Application. After an Application is filed, Supporting Documents should be uploaded under the following docketing event: Bankruptcy > Miscellaneous > Supporting Documentation for Application or Motion for Payment of Unclaimed Funds. If properly uploaded, Supporting Documents may only be viewed by internal court staff, the filer (if filed electronically), the Trustee assigned to the case, and the U.S. Trustee.

Searching Unclaimed Funds

To search unclaimed funds, use the Unclaimed Funds Locator at <https://ucf.uscourts.gov/>. Select FLMB (Florida Middle 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 in the Jacksonville, Orlando, or Tampa division.

Tampa Division: 801 N. Florida Avenue, Suite 555, Tampa, FL 33602;
Jacksonville Division: 300 N. Hogan Street, Suite 3-150, Jacksonville, FL 32202; and
Orlando Division: 400 W. Washington Street, Suite 5100, Orlando, FL 32802

Application Requirements

All parties seeking unclaimed funds must file an Application using either the national or local form and serve a copy of the Application on the United States Attorney for the Middle District of Florida at the following address:

United States Attorney
Attention: Civil Procedures Clerk
400 N. Tampa St., Suite 3200
Tampa, FL 33602

Applicants without counsel, or *pro se*, must file the *original* Application, which includes the notarized signature of the Claimant, with the Clerk of Court located at the original petition address.

For cases filed in the Tampa or Ft. Myers Divisions: 801 N. Florida Avenue, Suite 555, Tampa, FL 33602;
For cases filed in the Jacksonville Division: 300 N. Hogan Street, Suite 3-150, Jacksonville, FL 32202; and
For cases filed in the Orlando Division: 400 W. Washington Street, Suite 5100, Orlando, FL 32802

Supporting Documentation

Parties seeking unclaimed funds must file supporting documentation to establish their identity and Claimant's 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.

1. Payee Information Required for All Claimants

Because funds are payable to the Claimant, the Claimant's tax identification number (TIN) must be provided on a certification form signed by the Claimant to whom funds are being distributed and filed with the Court.

- Domestic Claimant

A Claimant who is a U.S. person¹ must file either the AO 213P or W-9 certification form which is available on the Internal Revenue Service (IRS) website at: <https://www.irs.gov/>. The AO 213P form must be filed if the Claimant seeks payment via Electronic Funds Transfer (EFT).

- Foreign Claimant

A foreign Claimant must file a W-8 certification form which is available on the IRS website at: <https://www.irs.gov/>) and the [AO-215](#) form.

2. Owner of Record Claimants

The Owner of Record is the original payee entitled to the funds appearing on the Court's records. If the Claimant is the Owner of Record, the following documentation is uploaded:

- Owner of Record Claimant – Individual

- 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
- A notarized signature of the Owner of Record (incorporated in application).

- Owner of Record Claimant - Business or Government Entity

- Application must be signed by an authorized representative for and on behalf of the business or government entity;
- A notarized Corporate Power of Attorney signed by an officer of the company and a statement of signing officer's authority is required; and
- 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).

Note: 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.³ Successor Claimants

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).

A Successor Claimant is entitled to the Owner of Record's unclaimed funds due to assignment, purchase, merger, acquisition, succession, or other means. If the Claimant is a Successor Claimant, the following documentation is uploaded:

- Successor Claimant – Individual
 - 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);
 - A notarized signature of the successor Claimant (incorporated in application); and
 - Documentation sufficient to establish chain of ownership or the transfer of claim from the original Owner of Record.

- Successor Claimant – Business or Government Entity
 - Application must be signed by an authorized representative for and on behalf of the successor entity;
 - A notarized statement of the signing representative's authority;
 - A notarized power of attorney signed by an authorized representative of the successor entity;
 - 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
 - Documentation sufficient to establish chain of ownership or the transfer of claim from the original Owner of Record.

4. Claimant Representative

The Claimant Representative is an Applicant who has been authorized by the Claimant to file the Application. The Claimant Representative may be an attorney or other personal representative of the Claimant, such as a funds locator. An attorney representing the Claimant is not required to upload identifying documentation. All other Claimant Representatives are required to upload the following documents:

- 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);
- A notarized power of attorney signed by the Claimant (or Claimant's authorized representative) on whose behalf the representative is acting; and
- Documentation sufficient to establish the Claimant's identity and entitlement to the funds, as set forth above.

Note: If the funds locator is a corporation, follow the requirements of a fund's locator, not the requirements for a corporation

5. Deceased Claimant's Estate

If the Claimant is deceased, the Claimant's estate must upload the following documents:

- 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);
- 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
- Documentation sufficient to establish the deceased Claimant's identity and entitlement to the funds including a certified copy of the descendant's death certificate.

6. Bankruptcy Trustee

If the Bankruptcy Trustee is the Claimant, a copy of the Section 341 meeting notice or other document demonstrating the trustee is appointed to the case must be uploaded.

Filing Checklist

Review the application to determine if it:

- Is properly served and includes a proper certificate of service that reflects service on the United States Attorney, Attention: Civil Procedures Clerk, 400 N. Tampa St., Suite 3200, Tampa, FL 33602;
- For pro se filers:** The original Application and supporting documentation must be filed with the Clerk of Court at the location the original petition was filed:
 - **For cases filed in the Tampa or Ft. Myers Divisions:** 801 N. Florida Avenue, Suite 555, Tampa, FL 33602;
 - **For cases filed in the Jacksonville Division:** 300 N. Hogan Street, Suite 3-150, Jacksonville, FL 32202; and
 - **For cases filed in the Orlando Division:** 400 W. Washington Street, Suite 5100, Orlando, FL 32802
- Contains the notarized signature of claimant, if an individual.
- Contains the name and case number of the debtor;
- Contains the name, address, and telephone number of the claimant;
- Contains the exact amount of funds being requested;
 - **Note:** It is not sufficient to simply state: "The amount of claim # ___."
- Contains an explanation of the claimant's right to the unclaimed funds;
- Contains the signature of an authorized representative for corporation or government entity (if claimant is a corporation or government entity);
- Contains the last four digits of the claimant's social security number (if the claimant is an individual) or the claimant's full tax identification number (if the claimant is a corporation);
 - **Note:** If the claimant is the debtor, verify the last four digits of the social security number match the social security number on the docket.

Supporting Documents:

- For all electronic filers, DO NOT attach supporting documents to the Application. After Application is filed, Supporting Documents should be uploaded under the following docketing event: Bankruptcy > Miscellaneous > Supporting Documentation for Application or Motion for Payment of Unclaimed Funds;
- If the claimant is an individual, [IRS Form W-9](#) or [AO 213P](#) must be uploaded, and if the claimant wants payment by Electronic Funds Transfer (ETF), AO 213P form must be used;
- If the claimant is a non-individual, form [AO 213P](#) must be uploaded;
- If the claimant is foreign, [IRS Form W-8](#) and [AO-215](#) form must be uploaded;
- Identifying Documents for Claimant and Applicant:
 - If Claimant is an individual, applicant must upload: (1) a copy of claimant's driver's license or state issued identification card and (2) a notarized signature of the claimant (incorporated in Application);
 - ❖ **Note:** Proof of name change must be provided if the claimant's name changed after the funds were deposited with the Court.
 - If Claimant is not the original claimant (successor claimant), applicant must upload: (1) a copy of successor claimant's driver's license or state issued identification card, (2) a notarized signature of successor claimant (incorporated in Application), and (3) documentation evidencing chain of ownership or transfer of the claim from original claimant;
 - If Claimant is a corporation or government entity, applicant must upload: (1) a notarized Corporate Power of Attorney signed by an officer of the company, (2) a notarized statement of signing officer's authority, (3) signing officer's driver's license or state issued identification card, (4) documents establishing chain of ownership if the claimant is not the original claimant, and (5) signature of officer (incorporated in Application);
 - ❖ **Note:** Proof of name change must be provided if the claimant's name changed after the funds were deposited with the Court.
 - If Claimant is deceased, applicant must upload: (1) certified copies of probate documents authorizing the representative to act on behalf of decedent or decedent's estate, (2) a certified copy of the decedent's death certificate; and (3) representative's driver's license or state issued identification;
 - If Applicant is Claimant's attorney: no additional documentation is uploaded;
 - If Applicant is a personal representative of Claimant, such as a funds locator, applicant must upload: (1) a copy of applicant's driver's license or state issued identification card; (2) a notarized Power of Attorney signed by claimant (3) a copy of claimant's driver's license or state issued identification card and (4) a notarized signature of the claimant (incorporated in Application);
 - ❖ **Note:** If the funds locator is a corporation, follow the requirements of a funds locator, not the requirements for a corporation.
 - If Claimant is a Bankruptcy Trustee, applicant must upload a copy of the Section 341 meeting notice or other document showing the trustee is appointed to the case.

Forms

[Application for Payment of Unclaimed Funds \(Local Form\)](#)

[Application for Payment of Unclaimed Funds \(National Form\)](#)

Helpful Information

[AO Form 213P](#)

[AO Form 215](#)

[IRS Form W-8](#)

[IRS Form W-9](#)