

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MISSOURI**



GENERAL ORDER AMENDING LOCAL RULE 3011-1.

For good cause shown, and pending revision to this Court's local rules, it is hereby ORDERED that Local Rule 3011-1 is amended to read:

Rule 3011-1. Unclaimed Funds.

A. ~~Motion to Pay Funds from Registry.~~ **Deposit by Chapter 7, 12, or 13 Trustee.** If any funds remain unclaimed after ~~the~~ a final distribution of funds is ~~has been made in a Chapter 7, 12, or 13 case as required by 11 U.S.C. § 347(a), the trustee shall file a~~ and after the filing of a Motion to Pay Into the Court Registry **any remaining funds.** Upon ~~and the~~ entry of a final order **granting such** approving the motion, **the trustee shall pay the remaining** funds for creditors who could not be located shall be paid into the Court Registry by the trustee/debtor-in-possession **and shall provide the Court's finance officer** listing showing name, address and amount **a list of the last known names and address of the unpaid claimants and the amounts they are entitled to receive, as required by Bankruptcy Rule 3011.** ~~A creditor whose funds were paid into the registry may file and serve on the trustee, United States Trustee and debtor's attorney a motion for distribution from funds in the registry.~~

B. ~~Proof of Right to Funds.~~ ~~A party seeking release of unclaimed funds shall submit a legal document (such as an affidavit) to the court with the motion requesting release of the funds. An individual shall provide a copy of a photo identification, such as a driver's license. A corporation whose name has changed or that has been assigned rights to the funds shall provide documentation as appropriate. Fund locator services shall provide a copy of their power of attorney.~~

B. **Disposition of Unclaimed Funds Under A Chapter 11 Liquidating Plan.**

1. **Notice, Deposit of Funds, and Final Account.** The disbursing agent, the debtor-in-possession or the trustee under a Chapter 11 plan that provides for the complete liquidation of the property of the debtor shall, when making final distribution under the plan:

a. Notify such entity, if any, that purchased all of the debtor's assets under the chapter 11 plan of its potential right to the unclaimed funds, to the extent the disbursing agent, the debtor-in-possession or the trustee can identify such entity.

b. Unless the plan provides otherwise, pay over to the Court Registry any funds left unclaimed 120 calendar days after the final distribution is made under the plan, accompanied by a Motion to Pay Funds Into the Court Registry.

c. File a final account under 11 U.S.C. §1106(a)(7), prior to the expiration of time provided in 11 U.S.C. §1143, and all other reports (if any) required by Local Rule.

2. Provisions for Unclaimed Funds. A chapter 11 liquidating plan may provide that any unclaimed funds may be redistributed to other creditors or administrative claimants or donated to a not-for-profit, non-religious organization identified in the plan or disclosure statement accompanying the plan.

C. Disposition of Undistributable Funds Under a Chapter 11 Liquidating Plan.

1. Undistributable funds defined. Undistributable funds are any funds other than unclaimed funds, including, but not limited to, funds that cannot be disbursed because (a) a creditor has affirmatively rejected a distribution, (b) the administrative costs of distribution effectively interfere with distribution, or (c) all creditors, including administrative claimants, have been paid in full and there is no one that has a right to the funds.

2. Provisions for Undistributable Funds. A chapter 11 liquidating plan may provide that any undistributable funds, if applicable or practicable, may be redistributed to other creditors or administrative claimants or distributed to an entity or organization identified in the plan or disclosure statement accompanying the plan.

3. Procedure for Disposition of Undistributable Funds. If a chapter 11 liquidating plan does not provide for the disposition of undistributable funds then, if there are any such funds at the time of final distribution under the plan, the disbursing agent, the debtor-in-possession or the trustee shall file a motion proposing disposition of such funds, which may include the dispositions described in subdivision (C)(2) of this rule. Such motion shall be served on all creditors or parties in interest, or on such creditors and parties in interest as the Court shall direct, with notice and opportunity for hearing.

D. Payment of Unclaimed Funds. A claimant that claims to be entitled to unclaimed funds in the Court Registry shall file a Motion for Distribution of Funds from Court Registry, sworn or attested under penalty of perjury. An individual claimant shall provide to the Clerk a copy of a government issued photo identification, such as a driver's license or passport. **[Note: To avoid privacy concerns, this photo copy should not be attached to the motion or filed on the docket.]** A corporation whose name has changed or that has been assigned rights to the funds shall provide appropriate documentation, satisfactory to the Court, to demonstrate the claimant's entitlement to the funds. Fund locator services or other agents shall provide a copy of their

power of attorney authorizing them to make the claim for the claimant. The Motion and other required documents shall be served on the United States Trustee and the debtor's attorney of record.

/s/ Dennis R. Dow
Dennis R. Dow, Chief Bankruptcy Judge

/s/ Arthur B. Federman
Arthur B. Federman, Bankruptcy Judge

/s/ Jerry W. Venters
Jerry W. Venters, Bankruptcy Judge

Kansas City, Missouri
Dated: June 16, 2009