

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

BANKRUPTCY UNCLAIMED FUNDS ON DEPOSIT IN COURT REGISTRY

Background

The Bankruptcy Court holds funds on deposit in the Court Registry. These funds represent monies which trustees have unsuccessfully tried to distribute to parties in bankruptcy cases. Typically, these funds are held for a creditor in a case and, less frequently, may be funds held for a debtor.

When unclaimed funds are deposited in the court registry, the trustee files a motion with the court requesting that the trustee be allowed to deposit the funds in the court registry. If there are no objections, the court enters an order approving the motion, and the trustee sends the funds to the court. Notice of these actions is sent to the creditor(s) and debtor(s) at the last known address on file with the court. Once the court approves the deposit to the registry, parties with a legitimate claim to the funds must follow court procedure for obtaining the funds.

How to Locate Unclaimed Funds

If you believe you have funds on deposit with the court, you can obtain information about these funds from two sources:

1. **Case Docket.** If you know the bankruptcy case number and have access to PACER, you can research the specific funds by accessing the docket report and searching for the motion and order to deposit funds in the court registry. The motion will list the amount of funds held for each party. If you have no access to PACER but have a case number or debtor name, court staff can assist you to determine whether any motions to deposit funds in the court registry have been filed in a case. (816-512-1800, 9:00 am - 4:30 pm CST weekdays).

2. **Financial Report.** The Court posts a quarterly report to its website listing all funds on deposit with the registry. The report contains the bankruptcy case number, debtor name, name of party for whom funds are held, and the amount of funds. This report can be found at: https://www.mow.uscourts.gov/sites/mow/files/BK_ccafundtrialall.pdf

The following sample is a listing of a single case from the financial report with annotations about reading the report and translating the information.

Case number translates to 00-40508.
 Ignore BMOW and the first digit.
 Substitute a hyphen for BK0.

**U.S. Courts
 Fund Trial Balance - All Cases
 Unclaimed Money Fund - Division All**

Name of Creditor for whom funds are held.

Case Number		Case Title		Date added to list.		Amount on deposit		First Case Trans Date	Last Case	
Party Num	Party Name	Debt Type	Current Balance	First Trans Date	Last Trans Date	Document Type/Number	Transaction Amount	Payee	Trans Date	Trans Amt
BMOW400BK040508	IN RE PAMELA REGINA BANKS						422.50	10/31/2009	10/31/2009	422.50
001	PAMELA REGINA BAN	UNCLAIMED FUNDS	422.50	10/31/2009	10/31/2009	CK 995	422.50	AMERIQUEST MORTGAG		422.50

How to Claim Funds

Parties with a claim to funds held in the court registry must file a motion to pay funds out of the court registry. Attorneys must file the motion electronically. Pro se parties may file a motion to pay funds out of the court registry in paper format by mailing the motion to the court at the address below.

The motion must include information sufficient to prove that the party has both a legitimate claim to the funds and verification of the claimant’s identity. An IRS Form W-9 (for individuals) or an AO Form 213P (for corporations and business entities) is also required. As evidence of the legitimacy of your claim, you may include an original claim form, or other documentation evidencing funds owed to the party in the bankruptcy. If claims have been transferred or corporate names have been changed, documentation evidencing this history and succession should be provided. An example of identity verification would be a copy of your picture identification, such as a driver’s license. For corporations, include a copy of a business card plus corporate documentation of assignment, assumption, merger, and/or dissolution and a document granting authority to act on behalf of the corporation.

The court will deny motions not supported by documentation clearly demonstrating a rightful claim to the funds. If the court approves your motion, you will receive a copy of the order. You can expect to receive your funds in approximately four weeks.

Court Address/Phone: **U.S. Bankruptcy Court
 400 E. 9th Street, Room 1510
 Kansas City, MO 64106
 816-512-1800**

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 Western District of Missouri. 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 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/>). All Registry and Unclaimed Funds payments are disbursed via Treasury Check.
 - 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.

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. 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**
 1. 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
 2. A notarized signature of the Owner of Record (incorporated in application).

ii. **Owner of Record - *Business or Government Entity***

1. Application must be signed by an authorized representative for and on behalf of the business or government entity;
2. A notarized statement of the signing representative's authority; and
3. 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.

iii. **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:

1. 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.

2. 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.

3. 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.

- iv. **Claimant Representative.** If the Applicant is Claimant's attorney or other representative, the following documentation is required:
1. 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);
 2. A notarized power of attorney signed by the Claimant (or Claimant's authorized representative) on whose behalf the representative is acting; and
 3. Documentation sufficient to establish the Claimant's identity and entitlement to the funds, as set forth above.

C. Certificate of Service

Applicant must provide the court a certificate of service stating:

- a. a copy of the application and supporting documentation were sent to the Office of the United States Attorney for the Western District of Missouri; and
- b. if the Claimant is entitled to the unclaimed funds by transfer, assignment, purchase, merger, acquisition, or succession by other means, a copy of the application was sent to the Owner of Record and all other previous owner(s) of the claim at their current address or Applicant has enclosed a statement explaining why Applicant was not able to do so or an explanation of why doing so is not necessary.

D. 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 service of the application, the application and accompanying documents may be considered by the court without hearing. If the application is deficient, the Clerk's office may contact the Applicant for additional proof of identity or entitlement to the funds.