

D.N.J. LBR 3011-1 UNCLAIMED FUNDS

- (a) Unclaimed distributions shall be deposited into the Registry without court order by filing the local form *Notice Depositing Unclaimed Funds*. The deposit shall be accompanied by a list of the payees and the amounts. All other deposits and all withdrawals shall require court order. Such orders shall specify the amount deposited or withdrawn and shall state the name, address and the last four digits of tax-payer identification number of any entity to which funds are paid.
- (b) Unclaimed funds deposited into the Registry may be withdrawn by a motion to recover unclaimed funds brought before the judge before whom the case is pending or, if the case has been closed, the chief judge in accordance with this rule.
- (1) The motion must be brought by:
- (A) an attorney at law admitted to practice before the United States District Court for the District of New Jersey or admitted *pro hac vice* in accordance with the provisions of **Local Civil Rule 101.1** of the District Court for the District of New Jersey;
- (B) the claimant or its legal successor; or
- (C) the assignee of the claimant or its legal successor.
- (2) The notice of motion shall include:
- (A) a certification setting forth the reason for the application, including an explanation of the reason the funds were not collected originally;
- (B) proof of the right to the original payment;
- (C) identification of the claimant by: the last four digits of social security number, the last four digits of tax-payer identification number, certification of the claimant's authority, or similar proof; and
- (D) proof of any name change or succession to any right to receive funds.
- (3) Service of the notice of motion shall be upon the original claimant, any assignee thereof, the trustee in a pending case or, if known, the trustee at the time the case was closed or, if same not be known, the United States Trustee; service shall be by certified mail, return receipt requested.
- (4) Appearance shall be necessary on the return date of the motion unless the applicant is the original entity entitled to the funds and no objection has been filed.
- (5) All remittances shall be made payable to the claimant or the claimant and an attorney at law admitted to practice before this court.

1997 Comment: Subpart (a) was formerly the entire text of D.N.J. LBR 3011-1.

2009 Comment: Subpart (a) has been amended to reference the requirement that deposits be made utilizing the Court's local form *Notice Depositing Unclaimed Funds*.

Subpart s (a) and (b)(2)(C) have been amended to comply with Fed. R. Bankr.P. 9037 which requires that any filing made with the court may include only the last four digits of

an individual's social-security number and tax-payer identification number in accordance with the policy adopted by the Judicial Conference in September 2001 to address privacy concerns resulting from public access to electronic case files.