

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Instructions for Filing Application for Payment of Unclaimed 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 for unclaimed funds in the District of New Jersey, go to the [Unclaimed Funds Locator](#).

II. Filing Requirements for Payment of Unclaimed Funds

In the Bankruptcy Court for the District of New Jersey, specific documents and accompanying information must be submitted to establish entitlement to funds. *Please use the checklist below to ensure that the following documents and criteria have been provided and satisfied prior to submitting your Application to the Court.* Failure to submit a complete Application will result in delay or denial of your request:

- Application for Payment of Unclaimed Funds (see Section A below) – This is [Local Form 1340](#).**
- Supporting Documentation (see Section B below) – Please be aware that the type of documentation required will vary depending on the circumstances and who is filing the application.**
- Proposed Order (see Section C below)**
- [Certificate of Service](#) (see Section D below) – This document confirms that you served a copy of your Application on the United States Attorney in accordance with the Local Bankruptcy Rule 3011-1(b)(4).**

A. Application for Payment of Unclaimed Funds

Any party who seeks the payment of unclaimed funds must file the Court's standard [Application for Payment of Unclaimed Funds](#) form. Failure to use the Court's standard form *Application for Payment of Unclaimed Funds* will result in rejection of the Application.

Additionally, a party who seeks payment of unclaimed funds must serve a *copy* of the Application on the United States Attorney for the District of New Jersey (please see Box 5 of the Application and Section D below). The Application must also be accompanied by appropriate Supporting Documentation (please see Box 4 of the Application and Section B below).

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

Funds are payable to the Claimant (see Boxes 2 and 3 of the Application). Requirements for 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. Please be assured that the Court will take care to restrict public access to personally identifying information. If there are joint Claimants, then supporting documentation must be provided for both Claimants.

If the name or address in the supporting documentation does not match the name or address for the Owner of Record, or the name or address on the Application, a *Certification in Support of Application for Payment of Unclaimed Funds* must be submitted explaining, under penalty of perjury, the reason for the discrepancy. (For example, “*I certify that the address on my license does not match the address listed for the Owner of Record because in May 2019 I moved from 123 Main St., Anytown, NJ to 456 Broad Ave., New City, NJ.*”)

1. 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:

a. 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).

b. 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.

2. **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. *Please be advised that successor Claimants may be required to appear at a hearing before the Application will be granted.* If the Claimant is a successor to the original Owner of Record, the following documentation is required:

a. **Successor Claimant – Individual**

- (1) 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); and
- (2) Documentation sufficient to establish chain of ownership or the transfer of claim from the original Owner of Record.

b. **Successor Claimant – Business or Government Entity**

- (1) Application must be signed by an authorized representative for and on behalf of the successor entity;
- (2) A notarized statement of the signing representative's authority;
- (3) A notarized power of attorney signed by an authorized representative of the successor entity;
- (4) 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
- (5) Documentation sufficient to establish chain of ownership or the transfer of claim from the original Owner of Record.

c. **Deceased Claimant's Estate**

- (1) 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);
- (2) 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
- (3) Documentation sufficient to establish the deceased Claimant's identity and entitlement to the funds.

3. **Claimant Representative**

If the Applicant is a representative, *other than an attorney who has filed a Notice of Appearance in the case*, 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.

Where the Applicant is a representative *and* is an attorney who has filed a Notice of Appearance in the case, no additional documentation is required. The attorney is bound by the Rules of Professional Conduct.

C. Proposed Order

The Applicant must provide the Court with the Court's standard *Order Granting Application for Payment of Unclaimed Funds*. In the event the Application is approved, this document will be used by the Court to officially grant the Application; therefore, the Applicant should fill in the information on this document to the best of his/her ability. The *Order Granting Application for Payment of Unclaimed Funds* should be submitted along with your Application and Supporting Documents.

Please be advised that if the Application is granted, the Court's standard *Order Granting Application for Payment of Unclaimed Funds* will direct the Applicant to provide information ("Payee Information") so that the funds can be transferred. (See Section F below; specifically, Sub-section Number 3: "Payee Information"). Payee Information should *not* be submitted with your Application, and should only be submitted *after* your Application is granted.

D. Certificate of Service

In addition to filing the Application with the Court, the Applicant must send a *copy* of the Application to the United States Attorney (Please see Box 5 of the Application) at:

Office of the United States Attorney
District of New Jersey
Peter Rodino Federal Building
970 Broad Street, Suite 700
Newark, New Jersey 07102

In order to prove to the Court that the Applicant has accomplished this task, the Applicant must provide the Court with the Court's local form *Certificate of Service* evidencing that the Applicant served the United States Attorney at the above address. (See Local Bankruptcy Rule 3011-1(b)(4)).

The *Certificate of Service* should be submitted along with the Application, Supporting Documents, and Proposed Order.

E. Filing the Application

The Application, Supporting Documentation, Certificate of Service, and Proposed Order may be electronically filed¹ or submitted to the Court at any of the following addresses:

U.S. Bankruptcy Court Clerk's Ofc. Martin Luther King, Jr. Federal Bldg. 50 Walnut Street P.O. Box 1352 Newark, NJ 07102 Phone (973) 645-4764	U.S. Bankruptcy Court Clerk's Ofc. Clarkson S. Fisher US Courthouse 402 East State Street Trenton, NJ 08608 Phone (609) 858-9333	U.S. Bankruptcy Court Clerk's Ofc. U.S. Post Office and Courthouse 401 Market Street P.O. Box 2067 Camden, NJ 08101 Phone (856) 361-2300
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F. Post-Filing Process

1. Objections

Any party objecting to the Claimant's request in the Application shall, within twenty-one (21) days of the filing of the Application, 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 the filing of the Application, the Application and accompanying documents may be considered by the Court without hearing.

2. Deficiencies

If the Application is deficient, the Court may contact the Applicant for additional proof of identity, proper service, or other information regarding entitlement to the funds. If the deficiency is not satisfied, the Application may be denied.

3. Payee Information

If an order granting the Application for Payment of Unclaimed Funds is entered, Claimant's tax identification number (TIN) must be provided to the court on a form completed **and** signed by the Claimant to whom funds are being distributed according to the requirements below, and including the bankruptcy case number at either of the following addresses:

unclaimedfunds@njb.uscourts.gov

or:

United States Bankruptcy Court
Martin Luther King, Jr. Federal Bldg.
Attention: Financial Department
50 Walnut Street
P.O. Box 1352
Newark, NJ 07102

¹ During electronic filing, use caution when submitting documents containing personal identifiers. Such documents must be filed using the event *Unclaimed Funds Supporting Documentation*, which was created for restricting these documents from public view.

a. **Domestic Claimant**

A Claimant who is a U.S. person² must submit either:

- (1) Court Form [AO-213P](#); or
- (2) IRS Form W-9 (accessible by searching on the Internal Revenue Service (IRS) website at: <https://www.irs.gov/>).

NOTE: If a claimant desires payment via Electronic Funds Transfer (EFT), then Court Form [AO-213P](#) must be used.

b. **Foreign Claimant**

A foreign claimant must submit both:

- (1) IRS Form W-8 (accessible by searching on the IRS website at: <https://www.irs.gov/>); and
- (2) Court Form [AO-215](#).

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² "U.S. person" include: 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).