

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 unclaimed funds, go to the court's website: www.ohnb.uscourts.gov, select **ECF and Case Info**, select **Unclaimed Funds Search** from the dropdown list, select **U.S. Courts Unclaimed Funds Locator**, 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 at one of the following bankruptcy courts:

AKRON: John F. Seiberling Federal Building & US Courthouse
455 US Courthouse
2 South Main Street
Akron, OH 44308
(330)-252-6100

CANTON: Ralph Regula Federal Building and U.S. Courthouse
401 McKinley Avenue, S.W.
Canton, OH 44702
(330) 458-2120

CLEVELAND: Howard M. Metzenbaum U.S. Courthouse
201 Superior Avenue
Cleveland, OH 44114-1235
(216) 615-4300

TOLEDO: PNC Bank Building
405 Madison Avenue
Toledo, OH 43604
(419) 213-5600

YOUNGSTOWN: Nathaniel R. Jones Federal Building & U.S. Courthouse
10 East Commerce Street
Youngstown, OH 44503-1621
(330) 742-0900

Additionally, you may contact the applicable Clerk's office by phone to verify the unclaimed funds balances.

II. 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 (Form 1340) and serve a copy of the application on the United States

Attorney for the Northern District of Ohio at the address referenced in #4 of the application. 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.

- ✓ Section 1, Claim Information, complete all fields.
- ✓ Section 2, Applicant Information, check applicable box.

b. Supporting Documentation (section #3 of the Application)

- ✓ Check the First Box affirming Applicant has read the Court’s instructions and is providing required 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. person¹ must use either the [AO 213](#) or W-9 certification form (accessible by searching on the Internal Revenue Service (IRS) website at: www.irs.gov).

If a Claimant wants payment via Electronic Funds Transfer (EFT), then the [AO 213](#) form must be used.

B. Foreign Claimant

A foreign Claimant must use a W-8 certification form (accessible by searching on the IRS website at: www.irs.gov) accompanied by the [AO-215](#) form.

2. Additional Supporting Documentation (section #3 of the Application)

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 identify 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

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). 3

additional documentation is required:

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.

i. Owner of Record – Individual

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

ii. Owner of Record - Business or Government Entity

- a. Application must be signed by an authorized representative for and on behalf of the business or government entity;
- b. A notarized statement of the signing representative's authority; and
- c. 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.

B. Successor Claimant

A successor Claimant may be entitled to the unclaimed funds as a result of an 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:

i. 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.

ii. 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.

iii. 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.

c. Claimant Representative

If the Applicant is Claimant's attorney or other representative, the following documentation is required:

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

c. Exhibit A (private event viewable only by court personnel)

- i. Complete case caption.
- ii. Complete the Claimant's information.
- iii. Check the applicable box/boxes, attach identification and all required documents.
- iv. File Exhibit A as a separate docket event, with identification and required documents attached.

d. Notice to United States Attorney (section #4 of the Application)

- ✓ Check box and complete service date.

e. Applicant Declaration and Notarization (sections 5 & 6 of the Application)

- ✓ Complete each section as per directions on the application.

f. Filing the Application

The application, supporting documentation, and certificate of service must be filed electronically. A proposed order granting the application may be uploaded through the Court's CM/ECF filing system. If you are not a registered user, these documents must be mailed to the applicable court addresses, refer to Section I.

g. Post-Filing Process

If the application is deficient, the Clerk's office will enter a Notice of Filing Deficiency. The deficiency must be satisfied before an order is entered.

Objections

Any party objecting to the Claimant's request in the application shall, within fourteen (14) 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 fourteen (14) days after the filing of the application, the application and accompanying documents may be considered by the court without hearing.

Proposed Order

Applicant must provide the court a proposed order in substantial conformance with the court's standard Order Granting Application for Payment of Unclaimed Funds located on the court's website www.ohnb.uscourts.gov.

Resource Links

<u>Form</u>	<u>Resource Location</u>
AO-213	Accessible by searching on the US Courts website form index at: https://www.uscourts.gov/services-forms/forms
AO 215	
W-9	Accessible by searching on the IRS website at:
W-8	https://www.irs.gov