

## **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, use the [Unclaimed Funds Locator](https://ucf.uscourts.gov/) at <https://ucf.uscourts.gov/>. Select NDB – North Dakota Bankruptcy Court from the dropdown list and enter the applicable search criteria. Additionally, you may contact the Clerk’s Office at 701-297-7100 to verify 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 and serve a copy of the application on the United States Attorney for the District of North Dakota. 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 party.

#### **B. Supporting Documentation**

##### **1. Payee Information**

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.

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

##### **2. Domestic Claimant**

A Claimant who is a U.S. person<sup>1</sup> must use the [AO 213P](#) form.

##### **3. 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.

<sup>1</sup> “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).

## **C. Additional Supporting Documentation**

Requirements for additional supporting documentation vary depending on the type of Claimant and whether the Claimant is represented. 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. Please read the instructions below to identify what must accompany your application.

### **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 documentation is required:

#### **a. Owner of Record – Individual**

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

#### **b. Owner of Record - Business or Government Entity**

- Application must be signed by an authorized representative for the business or government entity;
- A notarized statement of the signing representative's authority; and
- 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 because 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:

**a. Successor Claimant – Individual**

- 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);
- A notarized signature of the successor Claimant (incorporated in application); and
- 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**

- Application must be signed by an authorized representative for the successor entity;
- A notarized statement of the signing representative's authority;
- A notarized power of attorney signed by an authorized representative of the successor entity;
- 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
- Documentation sufficient to establish chain of ownership or the transfer of claim from the original Owner of Record.

**c. Deceased Claimant's Estate**

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

**d. Claimant Representative**

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

#### **D. Certificate of Service**

Applicant must provide the court a certificate of service stating a copy of the application and supporting documentation were sent to the Office of the United States Attorney for the District of North Dakota.

#### **E. Filing the Application**

The application, supporting documentation and certificate of service may be filed electronically through your attorney or mailed to the court at the following address.

U.S. Bankruptcy Court  
District of North Dakota  
655 1<sup>st</sup> Ave N, Ste 210  
Fargo, ND 58102

#### **F. Post-Filing Process**

Any party objecting to the Claimant's request in the application will, within fourteen (14) days after service, file with the court an objection to the application and serve the objection on the Applicant and other interested parties. If no objection is filed with the court within fourteen (14) 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.

#### **G. Payment of Funds**

If payment of funds is granted, payment is issued payable solely to the rightful original owner of record, successor claimant, decedent's representative or, if authorized by a power of attorney. If the applicant is a claims locator service, the payee(s) will be determined on a case-by-case basis.

### **III. Links**

[AO-213P](#)

W-8 (accessible by searching on the IRS website at: <https://www.irs.gov>)

[AO 215](#)