

U.S. Bankruptcy Court
Western District of Virginia

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. Filing Requirements for Payment of Unclaimed Funds

a. Application for Payment of Unclaimed Funds

Any party seeking the payment of unclaimed funds must file an Application for Payment of Unclaimed Funds in substantial conformance with the standard application form and serve a copy of the application on the United States Attorney for the Western District of Virginia. 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 (which includes a U.S. citizen or U.S. resident alien; or a partnership, corporation, company or association created or organized in the U.S. or under U.S. laws), must use either the AO-213P or AO-213 or W-9 certification form. If a Claimant wants payment via Electronic Funds Transfer (EFT), then the AO-213P or AO-213 form must be used.

B. Foreign Claimant

A foreign Claimant must use a W-8 certification form 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. Proofs of identity must be provided in unredacted form with a current address. If there are joint Claimants, the 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 in the Court's records. If the Claimant is the Owner of Record, the following additional documentation is required:

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, a proof of name change must be provided.

B. 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:

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.