

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://ucfl.uscourts.gov/) at <https://ucfl.uscourts.gov/>. Select **TNEB** from the dropdown list 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 terminals located at the bankruptcy clerk's office in federal courthouses in Chattanooga, Knoxville, and Greeneville. For the addresses of these courthouses, see <http://www.tneb.uscourts.gov/content/chattanooga>. Additionally, you may contact mailto:TNEB_unclaimed_funds@tneb.uscourts.gov 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 ([Application for Payment of Unclaimed Funds - Form 1340](#)) and serve a copy of the application and supporting documentation on the United States Attorney for the Eastern District of Tennessee (the particular office is determined by the case number as described later in these instructions) pursuant to 28 U.S.C. § 2042. 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.

If payment of unclaimed funds is sought in multiple cases, a separate application must be prepared for each case with all requirements attached to each application.

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. person¹ must use either the [AO 213P](#) or W-9 certification form

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).

(accessible by searching on the Internal Revenue Service (IRS) website at: <https://www.irs.gov/>). If a Claimant wants payment via Electronic Funds Transfer (EFT), then the [AO 213P](#) form must be used.

An Applicant filing the AO 213P form or W-9 certification form electronically must use the restricted access event, **Form 213 Vendor Information/Certification**, per Local Rule 3011-1(c). For conventional filings (over the counter or mailed), the clerk of court will docket these forms separately using the restricted access event.

B. 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.

If you have problems completing a form, please contact mailto:TNEB_unclaimed_funds@tnb.uscourts.gov.

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. Proof of identity must be provided in unredacted form with a current address. For joint Claimants, 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 additional documentation is required:

i. Owner of Record - Individual

- a. Proof of identity of the Owner of Record (*i.e.*, 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 the Application).

ii. Owner of Record - Business or Government Entity

- a. The 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 (*i.e.*, unredacted copy of driver's license, other state-issued identification card, or U.S. passport that includes current address).

If the name of the Owner of Record 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 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 (*i.e.*, 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 the 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. The 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 (*i.e.*, 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 (*i.e.*, 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 (not admitted in this district) or other representative, the following documentation is required:

- i. Proof of identity of the representative (*i.e.*, 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. Proposed Order

An Applicant must provide the court a proposed order in substantial conformance with the attached Order Granting Application for Payment of Unclaimed Funds.

If the Application is being filed by an attorney for the Applicant, the proposed order should be approved for entry by the attorney in compliance with E. D. Tenn. LBR 9072-1(c)(4).

The Application and order must contain a valid case number that includes the assigned judge's initials in compliance with E. D. Tenn. LBR 9004-2(a).

d. Filing the Application

The Application, supporting documentation, certificate of service, and proposed order must be mailed to the court at the divisional office where the case is pending, as identified in the case number. Additionally, a copy of the entire application packet must be mailed to the United States Attorney's office for the division indicated by the case number.

1. Court Address

A. For all cases in the **Southern** division, which are indicated by case numbers beginning with 1 (e.g., 1:19-bk-11234-SDR or 1:19-bk-11235-NWW),

United States Bankruptcy Court
Historic United States Courthouse
31 East 11th Street
Chattanooga, TN 37402-2722

Please note that cases in the **Southern** division are assigned to either The Honorable Shelley D. Rucker ("SDR") or The Honorable Nicholas W. Whittenburg ("NWW"). Please query the case in PACER to determine the assigned judge.

B. For all cases in the **Northeastern** division, which are indicated by case numbers beginning with 2 or 5 (e.g., 2:19-bk-51234-MPP),

United States Bankruptcy Court
James H. Quillen United States Courthouse
220 West Depot Street, Suite 218
Greeneville, TN 37743-4924

C. For all cases in the **Northern** division, which are indicated by case numbers beginning with 3 (e.g., **3:19-bk-31234-SHB**),

United States Bankruptcy Court
Howard H. Baker Jr. United States Courthouse
800 Market Street, Suite 330
Knoxville, TN 37902-2343

D. For all cases in the **Winchester** division, which are indicated by case numbers beginning with 4 (e.g., **4:19-bk-11234-SDR**),

United States Bankruptcy Court
Historic United States Courthouse
31 East 11th Street
Chattanooga, TN 37402-2722

2. United States Attorney's Address

An Applicant must mail a copy of the entire application packet to the United States Attorney's office for the division indicated by the case number.

A. For all cases in the Southern & Winchester divisions (five-digit case number beginning with 1 or 4),

Office of the United States Attorney
Eastern District of Tennessee
1110 Market Street, Suite 515
Chattanooga, TN 37402

B. For all cases in the Northeastern or Northern divisions (five-digit case number beginning with 2, 3, or 5),

Office of the United States Attorney
Eastern District of Tennessee
800 Market Street, Suite 211
Knoxville, TN 37902