

Instructions for Filing Application for Payment of Unclaimed Funds

REQUESTS FOR UNCLAIMED FUNDS MUST BE SUBMITTED BY MAIL OR OVER THE COUNTER. Attorneys may e-file Applications for Unclaimed Funds.

Click here for required forms. <https://www.nvb.uscourts.gov/rules-forms/forms/local-forms/>

Unclaimed funds are held by the court for an individual or entity who is entitled to the money but 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 at <https://ucfl.uscourts.gov/>. Select **NVB - Nevada** from the dropdown list and enter the applicable search criteria. You may also access this site from the court's website at <https://www.nvb.uscourts.gov/case-info/unclaimed-funds/unclaimed-funds-search/>.

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 Nevada. 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.

The Application must contain the **CLAIMANT'S tax identification number** and/or **social security number, name, current address, and telephone number**. The locator company may sign the affidavit for the creditor (with signed power of attorney).

This application **MUST** be notarized.

Print two copies of the Application for Payment of Unclaimed Funds:

1. Mail one copy to the U.S. Bankruptcy Court:

U.S. Bankruptcy Court

ATTN: Financial Department

300 Las Vegas Blvd South

Las Vegas, NV 89101

2. Serve the second copy of the Application for Payment of Unclaimed Funds on the United States Attorney for the District of Nevada:

U.S. Attorney's Office

501 Las Vegas Blvd South, Suite 1100

Las Vegas, NV 89101

Please do not staple documents. **DOCUMENTATION which has been altered will not be processed.**

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* must use the AO 213P form

<https://www.uscourts.gov/forms/other-forms>.

*"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).

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.

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. If there are joint Claimants, then supporting documentation must be provided for both Claimants.

If applicable, an ORIGINAL Power of Attorney (MUST BE notarized) should be submitted with the documentation. The court must be identified in the Power of Attorney.

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:

3. 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 with CURRENT name, address and phone number of the claimant.);
- b. Documentation that shows that the debtor is the same debtor as listed on the Notice for Unclaimed Dividends;
- c. Documentation that shows claimant's name and same address listed on the Notice for Unclaimed Dividends, (i.e. tax forms, utility bill, etc.) If claimant does not have such records, a notarized affidavit to that effect will be required.
- d. A notarized signature of the Owner of Record (incorporated in application).

4. 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;
- c. All names of claimant are proven to be the same entity;
- d. Name(s) of previous and present owner(s)
- e. Copies of Certificate of Merger, Certificate of fictitious name, purchase agreement, and any other documentation that will be necessary for the Court to determine the validity of the claim;
- f. Documentation that shows the debtor is the same debtor listed on the Notice for Unclaimed Dividends. The claimant will need some

form of documentation that shows the claimant's name and the address listed on the Notice for Unclaimed Dividend (i.d. tax forms, etc.). If claimant does not have such records, an affidavit to that effect will be required;

- g. Business card of requestor;
- h. Current name, address, and phone number of the claimant; and
- i. 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).

Name Change: 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 / Transferred Claims

A successor Claimant may be entitled to the unclaimed funds as a result of assignment, purchase, merger, acquisition, succession or by other means. If a locator company is assisting, checks are issued to the claimant and mailed in care of the locator company. 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.
- d. A transfer of claim should be filed in the case upon transfer.

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.
- f. A transfer of claim should be filed in the case upon transfer.

iii. Deceased Claimant's Estate or Divorce

If the claimant is requesting reimbursement due to a death or divorce of the original claimant, include the following documentation:

- 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.
- d. Copy of claimant's current driver's license.
- e. Death or Marriage certificate. Original required. (If you would like original certificate returned to you, please include a self-addressed stamped envelope. Original will be returned after check is issued.)
- f. Proof of relationship to original claimant and proof that the requesting claimant is entitled to the dividend. (i.e. will, divorce decree, etc.)

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; Corporations should attach their corporate seal, if they have one. **THE COURT MUST BE IDENTIFIED IN THE POWER OF ATTORNEY;** and
- iii. Documentation sufficient to establish the Claimant's identity and entitlement to the funds, as set forth above, verifying names, addresses and signatures.
- iv. Documentation required by Local Rule 3011, including disclosure of the services rendered, any agreement of commission, fees, compensation, or reimbursement of expenses, and the amount requested.

Name Change: If the claimant has changed names in any way from the name submitted on the Notice for Unclaimed Dividends (when fund was paid to the court), please attach the proper documentation showing a brief history of the claimant name changes to the present name.

III. Per the Chief Bankruptcy Judge and Clerk of Court

Social Security numbers or TIN will be required for all parties requesting refunds from the Unclaimed Funds account. This includes any requests by parties who have assigned rights to a claim (assignee and assignor). Proof of original claimant and their social security number is required.

IV. Filing the Application

The application and supporting documentation must be mailed to the court at the following address:

U.S. Bankruptcy Court

ATTN: Financial Department

300 Las Vegas Blvd South

Las Vegas, NV 89101

V. Post-Filing Process

All requests must meet all the applicable requirements. Requests that do not meet the requirements will not be considered by the court. Please enclose a phone number so that notification can be made of the deficiency(s) in the request. If a deficiency(s) is noted, claimants will have 90 days from notification to cure before a new Application must be submitted.

Links

Form AO 213P: <https://www.uscourts.gov/forms/other-forms>