

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF GEORGIA**

**PROCEDURES FOR DISBURSEMENT OF UNCLAIMED FUNDS  
(Revised September 2015)**

Pursuant to 28 U.S.C. § 2042, any claimant entitled to unclaimed funds may petition the Court for the return of the funds. Upon notice to the U.S. Attorney, and full proof of the right to such funds, the claimant may obtain an Order directing disbursement of the funds. The following requirements apply for the disbursement of unclaimed funds:

1. If claimant is the **debtor or an individual appearing pro se**, an Application for Disbursement of Unclaimed Funds (Exhibit 1), and proposed Order, must be filed along with the following documentation:
  - a. Name, address, and phone number of claimant;
  - b. Social Security or Tax ID number of claimant; and
  - c. Copy of photo identification (such as a driver's license or passport).
2. If the claimant is **not the debtor or an individual appearing pro se**, an original Power of Attorney with notarized signature must accompany the Application for Disbursement of Unclaimed Funds and proposed Order. If claimant is deceased, certified copies of all probate documents substantiating the representative's right to act on behalf of the deceased's estate must be submitted with the Application for Disbursement of Unclaimed Funds and proposed Order.
3. If claimant is a **corporation or partnership**, representation must be by an attorney who is admitted to practice in the Southern District of Georgia. An Application for Disbursement of Unclaimed Funds and proposed Order must be filed with the following documentation:
  - a. Corporate Power of Attorney signed by a corporate officer;
  - b. Statement of signing officer's authority; and
  - c. Documents establishing ownership of original corporate claimant.
4. Once ownership rights have been determined, a check will be made payable to the owner and/or representative upon Order of the Court.
5. If a Funds Locator has purchased/been assigned the claim or purchased the assets of the business, corporate documents which provide proof of ownership of the funds through amendment, merger, purchase, or sale must be provided with the Application for Disbursement of Unclaimed Funds, appropriate Power of Attorney and proposed Order.
6. If an application is deficient and the deficiency is not resolved within 20 days of the issuance of a Deficiency Notice mailed by the Clerk's Office, the deficient application will be denied.
7. A hearing may be held on the application if the Court is doubtful about a document or if a dispute arises.
8. Any indication of fraud will be referred to the United States Attorney.

**FOR THE COURT:**  
Lucinda B. Rauback  
Clerk of Court

**DATED:**  
September 10, 2015

NOTE: FOLLOWING RECEIPT OF A COMPLETE APPLICATION AND THE NECESSARY DOCUMENTATION AS REFERENCED ABOVE, REQUESTS FOR DISBURSEMENT OF UNCLAIMED FUNDS TYPICALLY REQUIRE 30 DAYS TO PROCESS.

United States Bankruptcy Court  
Southern District of Georgia

Exhibit 1

In re:

Case Number:  
Chapter:

Debtor

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**Application for Disbursement of Unclaimed Funds**

Pursuant to 28 U.S.C. § 2042, I, \_\_\_\_\_  
(Petitioner)

state that on \_\_\_\_\_, the following  
claimant/owner:  
(Date)

\_\_\_\_\_  
(Claimant's Name)

\_\_\_\_\_  
(Claimant's Social Security # or Tax ID#)

\_\_\_\_\_  
(Claimant's Address)

\_\_\_\_\_  
(Claimant's Phone #)

became entitled to receive \$\_\_\_\_\_ as a distribution in the above-entitled case and now appears on the records of this Court as the owner of said funds. The amount requested is being held in the Treasury of the United States as unclaimed funds.

Petitioner represents that he/she is entitled to receive the requested funds based upon (check the box(es) that apply):

- Petitioner is the owner of said funds and appears as the owner on the records of the Court;
- Petitioner is the assignee of the owner's claim to said funds, as evidenced in the attached Affidavit or Assignment of Right;
- Petitioner is the owner's successor in interest, as evidenced in the attached Affidavit and other identifying documentation;
- Petitioner is the personal representative of the owner's estate, as evidenced in the attached Affidavit and other identifying documents;

- Petitioner is named in a Power of Attorney by grantor, \_\_\_\_\_, valid under the laws of the State of Georgia, that empowers petitioner to collect the unclaimed funds described above on behalf of the grantor:
  - ( ) as the owner of the claim
  - ( ) as the owner's attorney with authorization to receive said funds
  - ( ) as the assignee of the owner's claim to said funds
  - ( ) as the owner's successor in interest or
  - ( ) as the personal representative of the owner's estate

This application is submitted with the necessary documents to prove petitioner's identity and status, and the owner's claim of entitlement pursuant to the Court's requirements. *(Documents may include power of attorney, formal assignment, letter of appointment, court order, etc.)*

Petitioner declares under penalty of perjury that sufficient inquiry has been made to satisfy the Court that the above funds have not been previously paid; no other applications for return of said funds are pending; and no party other than claimant/owner is entitled to submit a request for disbursement of the funds.

Petitioner certifies that a copy of this application and all attachments was provided to the Office of the U.S. Attorney, Southern District of Georgia, 100 Bull Street, Savannah, Georgia, 31401, on \_\_\_\_\_.  
*(Date)*

Petitioner requests that the Court enter an Order directing payment of the unclaimed funds described above to the petitioner, or if the petitioner is not the owner, to the petitioner on behalf of the owner, in accordance with the documents submitted in support of the application.

\_\_\_\_\_  
Name of Petitioner

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Address of Petitioner

\_\_\_\_\_  
Telephone # of Petitioner