

## United States Bankruptcy Court

Western District of Michigan  
Gerald R. Ford Federal Building  
PO Box 3310  
Grand Rapids, MI 49501

**Daniel M. LaVille**  
Clerk's Office  
(616) 456-2693- Tel.  
(616) 456-2919- Fax

### FUNDS LOCATOR NOTICE OF REQUIREMENTS REGARDING RELEASE OF UNCLAIMED FUNDS

1. File an original Application and proposed Order to Release Unclaimed Funds with the U.S. Bankruptcy Court (samples attached). The Application shall contain the claimant's name, address, and name and phone number of a person knowledgeable about the claim. If the claimant is someone other than the creditor who is listed in the bankruptcy schedules, such as a successor-in-interest or an heir to the original claimant, sufficient documentation must be provided to allow the Court satisfactory assurance that the funds are being released to or on behalf of the legal owner.
2. Prepare an Affidavit and make it part of the Application declaring that the funds locator has made all reasonable efforts to believe that the claimant is legally entitled to such funds. The Affidavit shall state that the funds locator is familiar with the State of Michigan requirements for acting as Attorney in Fact. A separate Affidavit shall be signed by the claimant declaring that they are the person or authorized representative of a corporation purported to be owed the funds.
3. File an original and fully executed Power of Attorney stating that the claimant has granted authority to the funds locator to collect unclaimed funds on behalf of the claimant. A corporate power of attorney is required when the claimant is a corporation.
4. Pursuant to 28 U.S.C. Section 2042, serve a copy of the completed Application, along with the Affidavit of Claimant page, upon the U.S. Attorney, P.O. Box 208, Grand Rapids, MI 49501-0208. A Proof of Service (see sample at bottom of Affidavit) stating the U.S. Attorney has been served the application must be filed with the Court.

**Please note** that all applications are reviewed and any indications of fraud will be turned over to the Federal Bureau of Investigation and the U.S. Attorney for investigation. Proper documentation should be attached to identify the claimant of the funds. This may include a photocopy of photo identification such as a driver's license or passport, a letter of administration or probated will, or corporate documents showing proof of ownership of the funds through amendment, merger, or dissolution.

**Checks will not be made payable to a funds locator, but payable to the claimant care of the funds locator.**

**United States Bankruptcy Court for the  
Western District of Michigan**

IN RE:

Case No.

Debtor(s)

\_\_\_\_\_ /

**APPLICATION FOR RELEASE OF UNCLAIMED FUNDS**

**IT APPEARING THAT** a dividend check in the amount of \$\_\_\_\_\_ was issued by the trustee to \_\_\_\_\_, claimant in the above-referenced case.

**IT ALSO APPEARING THAT** said check was not negotiated by said payee and the trustee, pursuant to 11 U.S.C. Section 347(a), delivered the unclaimed funds to the Clerk, United States Bankruptcy Court. These funds are currently being held by the United States Treasury.

**IT ALSO APPEARING THAT** since the applicant is a funds locator, this application includes a Power of Attorney authorizing the undersigned, \_\_\_\_\_, Attorney in Fact, to petition the Court on behalf of the claimant for release of these funds.

**IT ALSO APPEARING THAT** this application includes a signed and notarized affidavit of the undersigned that he/she has made all reasonable efforts to believe that the person or entity claiming right to these funds is the legal owner of such funds.

**IT ALSO APPEARING THAT** the U.S. Attorney for the Western District of Michigan has been provided a copy of this application allowing 20 days from the date of service to file an objection to payment of the unclaimed funds. A proof of service is made part of this application.

**THEREFORE**, an application is made for an order directing the Clerk of Court to pay said unclaimed funds to the order of \_\_\_\_\_, claimant, and mail said check to the following address: \_\_\_\_\_

\_\_\_\_\_.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Applicant

Subscribed and Sworn Before Me this \_\_\_\_\_ day of \_\_\_\_\_.

SEAL

\_\_\_\_\_  
Notary Public in and for the State of

My commission expires: \_\_\_\_\_

\_\_\_\_\_

**AFFIDAVIT OF FUNDS LOCATOR**

I, \_\_\_\_\_, have obtained the consent of the claimant to make application for the unclaimed funds as provided in this application. I have made all reasonable efforts required to believe to the best of my knowledge that \_\_\_\_\_ is legally entitled to the unclaimed funds referenced in this application. I am familiar with the State of Michigan requirements for acting in the capacity of Attorney in Fact.

Dated: \_\_\_\_\_  
\_\_\_\_\_  
Attorney in Fact

Subscribed and Sworn Before Me this \_\_\_\_\_ day of \_\_\_\_\_.

SEAL  
\_\_\_\_\_  
Notary Public in and For the State of

My Commission Expires: \_\_\_\_\_

**AFFIDAVIT OF CLAIMANT**

I, \_\_\_\_\_, do hereby state that I am the claimant to the unclaimed funds referenced in this application and that I am, to the best of my knowledge, the legal owner of these funds. My mailing address and phone number are

\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_  
\_\_\_\_\_  
Claimant (or Representative of Corporation)

Subscribed and Sworn Before Me this \_\_\_\_\_ day of \_\_\_\_\_.

SEAL  
\_\_\_\_\_  
Notary Public In and For the State of

My Commission Expires: \_\_\_\_\_

**PROOF OF SERVICE OF APPLICATION ON UNITED STATES ATTORNEY**

Notice is hereby given that on \_\_\_\_\_ a copy of the Application for Release of Unclaimed Funds with Affidavit was served on the United States Attorney for the Western District of Michigan, P.O. Box 208, Grand Rapids, MI 49501-0208 by United States Mail.

Dated: \_\_\_\_\_  
\_\_\_\_\_  
Claimant

**United States Bankruptcy Court for the  
Western District of Michigan**

IN RE:

Case No.

Debtor(s)

\_\_\_\_\_ /

**ORDER FOR RELEASE OF UNCLAIMED FUNDS**

**IT APPEARING THAT** the amount of \$ \_\_\_\_\_ constituting unclaimed funds due to \_\_\_\_\_, claimant in the above-referenced case, are on deposit with the United States Treasury.

**IS ALSO APPEARING THAT** \_\_\_\_\_, claimant, has furnished the required documentation for release of unclaimed funds and has complied with the provisions of 28 U.S.C. Section 2042. If applicant is a funds locator, a Power of Attorney granting authority to petition the Court to collect funds on behalf of the claimant has been filed.

**THEREFORE, IT IS HEREBY ORDERED THAT** the Clerk of Court shall pay the unclaimed funds in the amount of \$ \_\_\_\_\_ to the order of \_\_\_\_\_, claimant, and mail the check to \_\_\_\_\_.

Dated: \_\_\_\_\_

\_\_\_\_\_  
United States Bankruptcy Judge