

United States Bankruptcy Court
Western District of Michigan One Division Avenue North, Room 200
Grand Rapids, MI 49503
Application for Release of Unclaimed Funds

The burden of proof lies with the claimant to show legal ownership of unclaimed funds. The Court requires that you supply at least two (2) forms of evidence that the claimant is the correct party legally entitled to funds held in the registry of the Court.

SUGGESTED FORMS OF EVIDENCE:

- _____ Copy of Driver's License
- _____ Copy of Social Security Card
- _____ Copy of Marriage Certificate or Divorce Decree (if name has changed)
- _____ Copy of a document with the former address
- _____ Company's letterhead
- _____ Corporate seal
- _____ Company business card
- _____ Incorporated or Formed documents with year, state, and federal tax ID Number
- _____ Copy of Proof of Claim or other documents from the Bankruptcy case file
- _____ If original claimant is deceased, appropriate documentation to establish that the person executing the request for funds is authorized to act on behalf of the decedent's estate, such as certified copies of probate documents, including a copy of the death certificate and appointment of executor
- _____ If claimant is a corporation, partnership or other entity named as the Claimant, the person acting on behalf of the Claimant should indicate that he or she has reviewed all records of the Claimant and state that no other request for the funds has been submitted by or at the request of the Claimant. Documentation which establishes that the person executing the request is authorized to do so must be attached or the request will be returned (e.g., board meeting minutes and articles of incorporation, current list of officers and directors, affidavit of secretary with copy of directors' resolution authorizing execution of the request or officer's certificate establishing that the corporate officer executing the request is authorized to so act).
- _____ If the requesting party is a successor in interest to a previous corporate claimant, documentation must be attached to establish the legal right of the applicant to the accounts receivable of the original claimant corporation (e.g., documents establishing the legal chain of ownership of the original corporate claimant, proof of sale of the company, new and prior owners, and a copy of the terms of any purchase agreement or stipulation by prior and new owners of right of ownership of unclaimed funds). Copies of all documents evidencing successor assignment must be appended to the request.

_____ If the requesting party is an attorney or a **“funds locator”** who has been retained by the Claimant, a notarized “power of attorney” from an individual Claimant or from a duly authorized representative for the corporation, partnership or other entity named as the Claimant must be attached. Any document that establishes that the person executing the “power of attorney” is authorized to so act (e.g., affidavit of secretary with copy of directors’ resolution authorizing use of locator service or officer’s certificate establishing that the corporate officer executing the “power of attorney” is authorized to so act) must be attached.

The Application for Release of Unclaimed Funds must be completed in its entirety and a copy sent to the U.S. Attorney at:

P.O. Box 208
Grand Rapids, MI 49501

The following items must be completed:

- Proof of Service, including the date of service, of a copy of the application on United States Attorney
- Affidavit or Sworn Statement that you are the actual creditor or legal owner of the unclaimed funds in the case and that you formerly lived at the address of record (state address as you remember it). Affidavit must include current address and telephone number of a person knowledgeable about the claim.
- The signature of the claimant on the Application and on the Affidavit must be signed under oath in the presence of a notary public and the notary’s signature and seal affixed to the documents.
- Proposed Order, complete with amount due to the Claimant, and current name and address of Claimant

Mail the original with original signatures to:

U.S. Bankruptcy Court
One Division Ave. North, Room 200
Grand Rapids, MI 49503

ALL CORRESPONDENCE MUST BE FILED WITH THE COURT CONVENTIONALLY (BY PAPER), AND WILL BE PROCESSED IN ORDER OF DATE RECEIVED. Please allow at least 8 weeks for processing.

[Application for Release of Unclaimed Funds \(Claimant\)](#)

[Application for Release of Unclaimed Funds \(Funds Locator\)](#)

All applications are subject to final approval by the U.S. Bankruptcy Judge.

Falsification of an Application for Release of Unclaimed Funds is illegal and subject to fines, penalties, sanctions, and/or imprisonment pursuant to Title 18, United States Code.

FOR THE COURT:
Daniel M. LaVille, Clerk

For questions, please call
the Finance Dept. at 456-2540

**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