

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA**

PUBLIC NOTICE

**INVITATION FOR COMMENT ON AMENDMENTS TO
LOCAL BANKRUPTCY RULE 3011-1
UNCLAIMED FUNDS**

Comments are invited to amendments to Rule 3011-1 of the Local Rules of the United States Bankruptcy Court for the Eastern District of Virginia. The amendments substantially change the Court's procedures for administering unclaimed funds.

The above cited revision to the Local Bankruptcy Rules may be accessed at the Court's Internet web site, at www.vaeb.uscourts.gov, under News and Announcements.

Comments may be submitted, by mail, to:

Local Rules Changes
c/o William C. Redden
U.S. Bankruptcy Court
701 East Broad Street Suite 4000
Richmond, VA 23219-1888

or, by e-mail, at:

localrules@vaeb.uscourts.gov

Comments will be received by mail or at the Court's web site until 5:00 P.M., local time, August 12, 2022.

William C. Redden
Clerk of Court

Date: July 15, 2022

Attachment

UNITED STATES BANKRUPTCY COURT
for the
EASTERN DISTRICT OF VIRGINIA

AMENDED LOCAL BANKRUPTCY RULE
3011-1 UNCLAIMED FUNDS



(Ver. 07/11/2022)

RULE 3011-1 UNCLAIMED FUNDS

(A) **Deposit of Unclaimed Funds:** All unclaimed funds collected by the Court shall be immediately deposited into the United States Treasury and not into the registry of the Court.

(B) **Search for Unclaimed Funds:** The Judiciary maintains a database of unclaimed funds, which is accessible at the Court's internet website's Unclaimed Funds web page.

(C) **Reopening Not Required; No Fee Required:** Claimants need not move to reopen closed bankruptcy cases to file Applications for Payment of Unclaimed Funds. There is no fee required for the filing of an Application for Payment of Unclaimed Funds.

(D) **Application for Payment of Unclaimed Funds:** Claimants must use Local Form 1340edva, the Application for Payment of Unclaimed Funds, which is accessible at the Court's internet website's Unclaimed Funds web page. Instructions for filing the Application can be found at the same location.

(1) Parties who are represented by counsel must file the Local Form Application for Payment of Unclaimed Funds electronically with the Court on the Court's CM/ECF system, which is accessible from the Court's internet website.

(2) Pro se parties, that is individuals who are representing themselves without attorneys, must file the Form in the Clerk's Office in the Division where the bankruptcy case is or was pending. The mailing addresses for each of the Court's Divisions can be found on the Court's internet website by accessing the "Divisions" tab.

(E) **Proof of Identity:** The claimant must attach a redacted copy (that is, a copy deleting such personal identifiable information as the claimant's date of birth, social security number and driver's license number) of his or her identification, such as a valid State driver's license, valid passport or a REAL ID.

(F) **Service of the Application:** The Application must be served by first class mail on both the Office of the U.S. Trustee, for the Division in which the Application is filed, and the United States Attorney's Office for the Division in which the Application is filed. The Application must include a Certification of Mailing as a part of the Application.

(G) **Entry of an Order by the Court:** After 21 days has elapsed, if the Application has been properly served and there are no Objections, the Court may enter an Order directing the Clerk to disburse the funds. If any Objections are filed within the 21-day period, the Clerk will set the Application for a hearing. The Court retains the discretion to set any Application for a hearing whether or not an Objection has been filed. The Clerk will disburse the funds upon the expiration of the 14-day appeal period following entry of an Order directing the disbursement of unclaimed funds.

(H) Pro Se Parties; Parties Who Must Be Represented by Counsel

(1) Individual claimants are entitled to file the Application without an attorney. Individuals who file the Application without an attorney must attach a signed Certification Under Local Bankruptcy Rule 2090-1, which is accessible on the Court's internet website under the Rules & Forms tab, certifying either that no attorney has prepared or assisted in the preparation of the Application, or identifying any attorney who assisted in the preparation of the Application. The representative of a decedent's estate is considered to be an individual, and may file the Application pro se.

(2) Applications filed by parties who are not individuals – including corporations, limited liability companies and business trusts – must be signed and filed by a member in good standing of the Bar of this Court. See Local Rule 2090-1 (Attorneys – Right to Practice Before the Court; Pro Se Parties).

(I) Additional Forms Required

(1) Claimants must submit the appropriate payee information form to be completed and signed by the claimant. Payee information forms are available at the Court's internet website's Unclaimed Funds web page.

(2) Electronic filers must file the appropriate payee information form using the restricted Miscellaneous event code "Payee Information Form – Unclaimed Funds." Access to this form is restricted to Court users only. Pro se parties shall file the appropriate payee information form with the appropriate Division of the Clerk's Office, which shall docket such form using the restricted Miscellaneous event code

(J) Assignments; Decedents' Estates

(1) Where a proof of claim has been transferred or assigned, the claimant must file the necessary transfer of claim documents before filing an Application of Payment of Unclaimed Funds. Applications for Payment of Unclaimed Funds that are not filed by the Debtor in the bankruptcy case or by the party that filed the proof of claim in the case must be accompanied by copies of any assignments or other documents evidencing the right to payment. Any assignments of the right to receive unclaimed funds must be (a) notarized, and (b) attached to the Application. If there has been more than one assignment, attach copies of all of the applicable, notarized assignments.

(2) If the claimant is the representative of a decedent's estate, the claimant must submit certified copies of all probate documents evidencing the claimant's right to proceed on behalf of the decedent's estate.

(K) Deficiencies: If an Application for Payment of Unclaimed Funds does not comply with the provisions of this Local Bankruptcy Rule, the Clerk shall serve a notice of deficiency listing the

deficiencies. If the deficiencies are not cured within 14 days after the date of the notice of deficiency, or the claimant does not request a hearing within the said 14 days, the Clerk shall strike the application.

Comments

3011-1(B)-(K) This rule is substantially rewritten and sets forth new requirements and references forms for filing applications for payment of unclaimed funds. These requirements and forms apply both to parties without an attorney and parties who must be represented by legal counsel. Additional required payee information forms, as referenced at paragraph (I), are accessible at the Court's internet website's Unclaimed Funds web page. [Effective / /2022.]