

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

**PUBLIC NOTICE**

**ENTRY OF STANDING ORDER 22-14  
ADOPTING A REVISION TO THE LOCAL BANKRUPTCY RULES, AS TO  
AMENDED LOCAL BANKRUPTCY RULE 3011-1, UNCLAIMED FUNDS  
EFFECTIVE OCTOBER 1, 2022**

Effective October 1, 2022, the Court has adopted a revision to the Local Bankruptcy Rules regarding amended Local Bankruptcy Rule 3011-1, Unclaimed Funds. As set forth in the Comments following the Rule:

This rule is substantially rewritten and sets forth new requirements and references forms for filings 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 in paragraph (I), are accessible at the Court's internet website's Unclaimed Funds web page. [Changes effective 10/01/2022.]

Current paragraph (A) is retained in the amended Rule while current paragraph (B) is repealed. New paragraphs (B) through (K), inclusive, are adopted as local rule provisions of the Court.

As of October 1, 2022:

- (1) The Court's internet website's Unclaimed Funds webpage will be updated to conform to the requirements set forth in amended Rule 3011-1.
- (2) The Application for Payment of Unclaimed Funds, Form 1340 edva (05/22), will be placed on the Court's internet website's Forms webpage under the National Forms header for those forms that have been modified by the Court. A link to the form also will be added under the Case Administration – General header and in the updated Unclaimed Funds webpage.
- (3) Two new CM/ECF dictionary event codes will be activated for use only by ECF registered filers: Application for Payment of Unclaimed Funds, and Payee Information Form – Unclaimed Funds.

William C. Redden  
Clerk of Court

Date: August 30, 2022

Attachment

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA

In re )  
 )  
Amended Local Bankruptcy Rule 3011-1 ) Standing Order 22-14  
Unclaimed Funds )  
 )

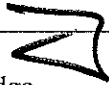
**ORDER ADOPTING AMENDED LOCAL BANKRUPTCY RULE 3011-1  
UNCLAIMED FUNDS**

Local Bankruptcy Rule 3011-1, Unclaimed Funds, as amended, is substantially rewritten with paragraph (A) retained. Paragraphs (B) through (K), inclusive, however, are substituted for paragraph B. The Rule, as amended, adopts new procedures that must be followed by each applicant requesting the payment of unclaimed funds.

NOW THEREFORE, IT IS ORDERED that:

1. As to amended Local Bankruptcy Rule 3011-1, paragraph (A), in the former Rule, is retained.
2. As to amended Local Bankruptcy Rule 3011-1, paragraph (B), in the former Rule, is repealed. New paragraphs (B) through (K), inclusive, are substituted therefor.
3. Effective October 1, 2022, Local Bankruptcy Rule 3011-1, as amended, hereby is adopted as a Local Rule of this Court.

FOR THE COURT:

B. F. K.   
BRIAN F. KENNEY  
United States Bankruptcy Judge

Date: August 30, 2022

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

**AMENDED LOCAL BANKRUPTCY RULE 3011-1**  
**UNCLAIMED FUNDS**



**Effective: October 1, 2022**

(Ver. 08/29/2022)

## 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) Disposition of Unclaimed Funds [Repealed]**

~~(1) **Requirements for Pro Se Creditor/Claimant – Self Representation:** A request for re turn of an unclaimed dividend must be in writing and in the form of a motion filed with the Court. A Form W-9, Request for Taxpayer Identification Number and Certification, also must be completed, signed and filed with the motion. The exempt payee box should be checked on the Form W-9. The form and accompanying instructions are accessible at the Bankruptcy Forms page on the Court’s Internet web site. Creditor/claimant must sign a certificate of mailing reflecting that the motion was served on the United States attorney for the Eastern District of Virginia, pursuant to 28 U.S.C. §2042, and on the United States trustee. The motion must state:~~

~~(a) the name, address, telephone number and a brief history of the creditor from the filing of the claim to present (to reflect possible reasons for the funds not being deliverable at the time of original distribution);~~

~~(b) whether the claim has been assigned to the creditor, and, if so, copies of all documents evidencing assignment must be appended to the motion; and~~

~~(c) whether or not the creditor/claimant believes that any other party may be entitled to the funds.~~

~~The motion must contain a certificate of a notary public, which bears the seal of the notary, that such notary has examined the motion and documents presented by the creditor/claimant establishing identity.~~

~~If the creditor/claimant is a corporation, it must be represented by a member of the bar of this Court. In addition, if the creditor/claimant is a successor corporation, creditor/claimant shall provide documents establishing the chain of ownership of the original corporate claimant as proof of entitlement to the claim. The motion must state whether or not the moving party believes that any other party may be entitled to the funds.~~

~~As provided for in LBR 9013-1(M)(1), notice of the motion shall be in substantial compliance with Official Form 420A, allowing 21 days’ notice for written responses objecting to the relief requested and must contain the “NOTICE” language substantially in the form set forth therein. Movant must sign a certificate of mailing reflecting that the motion was served on the United States attorney for the Eastern District of Virginia and on the United States trustee.~~

~~(2) **Requirements for the Representative of the Estate of a Deceased Claimant:** The representative must comply with all requirements in paragraph (B)(1) of this Local Bankruptcy Rule. Certified copies of all probate documents to substantiate the repre-~~

representative's right to act on behalf of the decedent's estate must be provided as proof of entitlement.

**(3) *Requirements for any other individual representing the creditor/claimant:***

The representative must be an attorney admitted to practice in accordance with these Local Bankruptcy Rules. The attorney must file a motion with the Court for an order authorizing return of an unclaimed dividend pursuant to FRBP 9013. A Form W-9, request for Tax payer Identification Number and Certification, also must be completed, signed and separately submitted, via email or mail, to the Finance Department (Form W-9 and accompanying instructions are accessible on the Court's Internet web site's Bankruptcy Forms page). The exempt payee box should be checked on Form W-9. The motion must contain the name, address, telephone number and brief history of the creditor from the filing of the claim to present (to reflect possible reasons for the funds not being deliverable at the time of original distribution). If applicable, proof of any 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 to the unclaimed funds must be provided. If the claim has been assigned to the claimant, copies of all documents evidencing assignment must be appended to the motion.

The motion must state whether or not the moving party believes that any other party may be entitled to the funds.

As provided for in LBR 9013-1(M)(1), notice of the motion shall be in substantial compliance with Official Form 420A, allowing 21 days' notice for written responses objecting to the relief requested and must contain the "NOTICE" language substantially in the form set forth therein. Movant must sign a certificate of mailing reflecting that the motion was served on the United States attorney for the Eastern District of Virginia and on the United States trustee.

An original power of attorney from the creditor/claimant authorizing the attorney to represent the interest of the creditor/claimant must be attached to the motion.

**(4) *Action on Motion:*** Twenty one days following receipt of the above documentation, and if no objections have been filed, the Clerk shall prepare and submit the appropriate order to the Court. Any payment made to a claimant represented by an attorney will be issued to the claimant in care of the attorney and will be mailed to the attorney.

**(5) *All Creditors/Claimants:*** Pursuant to the Vendor Administration and 1099 Issuance Procedures promulgated by the Administrative Office of the United States Courts, the Court requires that each creditor/claimant (the rightful owner of record) complete a Form W-9, Request for Taxpayer Identification Number and Certification, to facilitate the accurate preparation of Court generated Forms 1099-MISC, Miscellaneous Income, and 1099-INT, Interest Income, as required by the United States Internal Revenue Code. Failure to complete, sign and return a Form W-9 may result in non-payment.

(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. [Changes Effective 10/01/2022.]