

3007-1 Paragraph (C) is repealed in light of Local Bankruptcy Rule 5005-2, which mandates electronic case filings in the Court’s Case Management/Electronic Case Files (CM/ECF) System and authorizes the Clerk to promulgate and revise the Court’s Electronic Case Files (CM/ECF) Policy. In addition, time-computation adjustments have been made, as needed, to conform to a revision to the Federal Rules of Bankruptcy Procedure that takes effect December 1, 2009. Stylistic changes have been made to the text of the LBR as well. [Repeal and changes effective 12/01/09.]

3007-1(E) The current form is replaced with new Official Form 420B, which includes stylistic changes. The form also is amended to change the phrase “mail” to “send” to reflect the fact that there are various methods of providing documents to other parties. [Changes effective 12/1/16.]

### 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 the 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 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 the 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 files 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 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) Inclusion in subparagraph (B)(1)(c) of those items that may be presented to a notary to establish the movant's identity has resulted in some movants appending copies of forms of identification to their motions. This may have the effect of unnecessarily placing personal identifiers into the public record. The listed forms of identification have been removed for this reason. [Change effective 12/1/03.]

3011-1 The third paragraph to LBR 3011-1(B)(3) is amended to make explicit that the procedures set forth in LBR 9013(M)(1) must be followed to meet the requirements set forth in LBR 3011-1(B)(3). [Change effective 9/1/06.]

3011-1 Time-computation adjustments have been made, as needed, to conform to a revision to the Federal Rules of Bankruptcy Procedure that takes effect December 1, 2009. Stylistic changes have been made to the text of the LBR as well. [Changes effective 12/01/09.]

3011-1 Paragraph (B)(1) and (3) are amended to conform to the Vendor Administration and 1099 Issuance Procedures promulgated by the Administrative Office of United States Courts. Paragraph B(5) is new. [Changes effective 09/03/13.]

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3011-1 The last sentence of the third paragraph in paragraph (B)(1) is new. The fourth paragraph in paragraph (B)(1) is new and makes explicit that the procedures set forth in LBR 9013-1 (M)(1) must be followed to meet the requirements set forth in LBR 3011-1(B)(1). [Changes effective 09/03/13.]

3011-1 Paragraph (B)(4) is amended to provide that when a claimant is represented by an attorney, the payment will be issued in the claimant's name, in care of the attorney, and will be mailed to the attorney. [Change effective 12/1/15.]

3011-1(B)(1) & (3) The current form is replaced with new Official Form 420A, which includes stylistic changes. The form also is amended to change the phrase “mail” to “send” to reflect the fact that there are various methods of providing documents to other parties. [Changes effective 12/1/16.]

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.]

### RULE 3015-1 CHAPTER 12 PLAN REQUIREMENTS

(A) ***Time for Filing:*** The debtor may file a chapter 12 plan with the petition. If a plan is not filed with the petition, it shall be filed within 90 days thereafter unless the Court, pursuant to 11 U.S.C. §1221, extends the time for filing. Any motion for extension of time to file a plan shall be filed prior to the expiration of the deadline for which the debtor seeks an extension.

(B) ***Objections:*** Objections to confirmation of the plan shall be filed with the Court and served on the debtor, the debtor's attorney, the trustee, and on any other entity designated by the Court, not less than 7 days prior to the scheduled confirmation hearing.

(C) ***Hearing:*** After notice as provided in paragraph (D) of this Local Bankruptcy Rule, the Court shall conduct a hearing within the time prescribed by 11 U.S.C. §1224 and rule on confirmation of the plan. If no objection is timely filed, the Court may determine that the plan has been proposed in good faith and not by any means forbidden by law without receiving evidence on those issues.

(D) ***Notice:*** The debtor shall send notice of the hearing on confirmation to all creditors, the chapter 12 trustee and equity security holders. The notice shall include the time fixed for filing objections to the proposed plan. Unless the Court fixes a different period, notice of the hearing shall be given not less than 28 days before the hearing. A copy of the plan shall accompany the notice. Forthwith upon the giving of such notice, the debtor shall file proof of service with the Clerk.

(E) ***Order of Confirmation:*** The debtor shall prepare a proposed Order of Confirmation which recites the Court's findings under 11 U.S.C. §1225. Notice of entry thereof shall be mailed promptly by the Clerk, or some other person as the Court may direct, to the debtor, the trustee, all creditors, all equity security holders and other parties in interest.

(F) ***Retained Power:*** Notwithstanding the entry of the Order of Confirmation, the Court may enter all orders necessary to administer the estate.

(G) ***Possible Dismissal of Case; Notice:*** The Clerk is to monitor the filing of chapter 12 plans. If the debtor does not file a plan with the chapter 12 petition, the Clerk shall issue a notice that