

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

PUBLIC NOTICE

COURT ENTRY OF STANDING ORDER 24-2

**ORDER ADOPTING AMENDMENT TO LOCAL BANKRUPTCY RULE 3011-1(F) AND
AMENDED LOCAL FORM 1340 EDVA**

EFFECTIVE JANUARY 29, 2024

The Director of the Administrative Office of the United States Courts has amended Director's Form 1340, Application for Payment of Unclaimed Funds. This form is designed as a template for adaptation, as a local form, by each court interested in making the form available to assist parties in seeking the payment of unclaimed funds by bankruptcy courts.

Effective January 29, 2024, the Court has authorized the Clerk of Court to undertake the actions set forth in the attached Order. To implement amended Local Form 1340 edva, Application for Payment of Unclaimed Funds, the Court has found it necessary to make a conforming amendment to Local Bankruptcy Rule 3011-1(F), *Service of the Application*, which is attached to this Notice. Additional information regarding this amendment and form-related matters are set forth in the attached Order.

William C. Redden
Clerk of Court

Date: January 18, 2024

Attachment

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA

In re

)
Amendment to Local Bankruptcy Rule)
3011-1(F) Unclaimed Funds-Service) Standing Order 24-2
of the Application; Amended Local)
Form 1340 edva)

**ORDER ADOPTING AMENDMENT TO LOCAL BANKRUPTCY RULE 3011-1(F) AND
AMENDED LOCAL FORM 1340 EDVA**

Effective December 1, 2023, the Director of the Administrative Office of the United States Courts amended Director's Form 1340, Application for Payment of Unclaimed Funds. That form is designed as a template for adaptation, as a local form, by each court interested in making such a form available to assist parties in seeking the payment of unclaimed funds held by bankruptcy courts.

The above-referenced form template was amended at the recommendation of the Unclaimed Funds Expert Panel and approved by the Advisory Committee on Bankruptcy Rules, which reports to the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States. The Expert Panel was concerned regarding the lack of notice provided to the owner of record and other previous owners of the claim when the application is based on succession (e.g., transfer, assignment, purchase, merger, acquisition, or successions by other means). One safeguard to deter and/or reduce fraudulent applications is to (1) require an applicant to identify any previous owners of the claim, and (2) require service of the application on such previous owners or a statement addressing why service is not possible. This revision, among other changes, have been incorporated into the template of Director's Form 1340.

To implement amended Local Form 1340 edva, Application for Payment of Unclaimed Funds, the Court finds it necessary to make a conforming amendment to Local Bankruptcy Rule 3011-1(F), which is attached to this Order.

The Clerk of Court is directed to amend Local Form 1340 edva to conform to this Order, and publish it on the Court's internet website on the effective date of this Order.

NOW, THEREFORE, IT IS ORDERED that:

1. The amendment to Local Bankruptcy Rule 3011-1(F), as attached, be and the same hereby is adopted.

2. The attached amendment to Local Bankruptcy Rule 3011-1(F) shall be incorporated into the Court's Local Bankruptcy Rules on the effective date of this Order.
3. Local Form 1340 edva shall be amended, at Sections 2 and 9, therein, to conform to this Order. In addition, as an adaption to the amended Director's Form, Sections 4 and 6 in Local Form 1340 edva shall be amended to advise that any fraud, as set forth in the application or any supplemental materials, may result in criminal penalties. The Clerk of Court shall publish Local Form 1340 edva, as amended, on the Court's internet website, on the effective date of this Order.
4. This Order shall take effect as of January 29, 2024.

Attachment

FOR THE COURT:



BRIAN F. KENNEY
United States Bankruptcy Judge

Dated: January 17, 2024

UNITED STATES BANKRUPTCY COURT
for the
EASTERN DISTRICT OF VIRGINIA

**AMENDMENT TO LOCAL BANKRUPTCY RULE 3011-1(F)—
SERVICE OF THE APPLICATION; AMENDMENT TO LOCAL
FORM 1340 EDVA**



**Amendment to Local Bankruptcy Rule 3011-1(F); Amendment
to Local Form 1340 edva
(Ver. 01/17/24)
Effective 01/29/2024**

LOCAL BANKRUPTCY RULE 3011-1 UNCLAIMED FUNDS

.....

(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. When the Applicant is a Successor Claimant, the Application also must be served by first class mail on the Owner of Record and all other Previous Owner(s) of the Claim (if applicable), at their current address. Otherwise, the Applicant must enclose a statement explaining why the Applicant either was not able to do so or enclose an explanation why doing so was not necessary. The Application must include a Certification of Mailing as part of the Application.

COMMENTS

3011-1(F) This rule is amended to implement a revision to Local Form 1340 edva, Application for Payment of Unclaimed Funds, to require notice being provided to the unclaimed funds Owner of Record and other previous owners of record. Background information is set forth in Standing Order 24-2 accessible on the Court's internet website. [Effective 01/29/24.]

Fill in this Information to identify the case:

Debtor 1

First Name Middle Name Last Name

Debtor 2

(Spouse, if filing) _____
First Name Middle Name Last Name

United States Bankruptcy Court for the: Eastern District of Virginia

Case number: _____

Form 1340 edva (1/24)

APPLICATION FOR PAYMENT OF UNCLAIMED FUNDS

1. Claim Information

For the benefit of the Claimant(s)¹ named below, application is made for the payment of unclaimed funds on deposit with the court. I have no knowledge that any other party may be entitled to these funds, and I am not aware of any dispute regarding these funds.

Note: If there are joint Claimants, complete the fields below for both Claimants.

Amount:	
Claimant's Name:	
Claimant's Current Mailing Address, Telephone Number, and Email Address:	
Brief History of Creditor/Claimant from the filing of the proof of claim to the present. (Attach additional sheets if necessary).	

2. Applicant Information

Applicant² represents that Claimant is entitled to receive the unclaimed funds because (*check the statements that apply*):

- Applicant is the Claimant and is the Owner of Record³ entitled to the unclaimed funds appearing on the records of the Court. (Non-natural persons must be represented by an attorney admitted to the Bar of the Court.)
- Applicant is the Claimant (**Successor Claimant**) and is entitled to the unclaimed funds by assignment, purchase, acquisition, succession or by other means. (Non-natural persons must be represented by an attorney admitted to the Bar of the Court.)
- If the Claimant is a Successor Claimant, Applicant has sent a copy of the application to the Owner of Record and all other previous owner(s) of the claim at their current address or Applicant has enclosed a statement explaining why Applicant was not able to do so or an explanation of why doing so is not necessary.**
- Applicant is Claimant's attorney.
- Applicant is a representative of the deceased Claimant's estate.

3. Supporting Documentation

- Applicant has read Eastern District of Virginia Local Bankruptcy Rule 3011-1 and the Court's instructions for filing an Application for Payment of Unclaimed Funds and is providing the required supporting documentation with this application.

¹ The Claimant is the party entitled to the unclaimed funds.

² The Applicant is the party filing the application. The Applicant and Claimant may be the same.

³ The Owner of Record is the original payee.

4. Applicant Declaration

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct **and any fraud in the application or supplemental materials may result in criminal penalties, see, e.g. 18 U.S.C. § 152.**

Date: _____

Signature of Applicant

Printed Name of Applicant

Address:

Telephone: _____

Email: _____

6. Co-Applicant Declaration (if applicable)

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct **and any fraud in the application or supplemental materials may result in criminal penalties, see, e.g. 18 U.S.C. § 152.**

Date: _____

Signature of Co-Applicant (if applicable)

Printed Name of Co-Applicant (if applicable)

Address:

Telephone: _____

Email: _____

5. Notarization

STATE OF _____

COUNTY/CITY OF _____

This Application for Payment of Unclaimed Funds, dated _____ was subscribed and sworn to before me this _____ day of _____, 20__ by _____

who signed above and is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument. WITNESS my hand and official seal.

(SEAL) Notary Public _____

My commission expires:

7. Notarization

STATE OF _____

COUNTY/CITY OF _____

This Application for Payment of Unclaimed Funds, dated _____ was subscribed and sworn to before me this _____ day of _____, 20__ by _____

who signed above and is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument. WITNESS my hand and official seal.

(SEAL) Notary Public _____

My commission expires:

8. Notice of Application

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

Under Local Bankruptcy Rules 3011-1 (G) and 9013-1, unless a written response to this application and supporting memorandum are filed with the Clerk of Court and served on the moving party within 21 days of the service of this notice objecting to the relief requested, the Court may deem any opposition waived, treat the application as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response and supporting memorandum to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above. The address for the Court is:

Alexandria Division
United States Bankruptcy Court
Eastern District of Virginia
200 S. Washington St.
Alexandria, VA 22314-5405

Newport News/Norfolk Divisions
U.S. Bankruptcy Court
Eastern District of Virginia
600 Granby Street, Room 400
Norfolk, VA 23510-1915

Richmond Division
United States Bankruptcy Court
Eastern District of Virginia
701 East Broad Street, Suite 4000
Richmond, VA 23219-1888

You must also mail a copy to the Applicant, the Office of the United States Attorney and the Office of the United States Trustee.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

9. Certificate of Mailing

On _____, 20____, Applicant has mailed copies of this application, notice of application and supporting documentation to the United States Attorney, pursuant to 28 U.S.C. § 2042 and Local Bankruptcy Rule 3011-1 and to the Office of the United States Trustee pursuant to Local Bankruptcy Rule 3011-1, at the following addresses:

Office of the United States Attorney
applicable), or

Office of the United States Trustee

**Owner of Record and all other Previous
Owner(s) of claim (If applicable) or
statement addressing why service is not
possible on the Owner of Record and
all other Previous Owner(s) of Record (if
applicable).**

Signature of Applicant

Printed Name of Applicant