

3011-1 *Unclaimed Funds in Chapter 7, Chapter 12 and Chapter 13 Cases*

- a. Motions to Withdraw Unclaimed Funds.** A motion to withdraw unclaimed funds shall be in the form of Appendix C.
- b. Compliance with LBR 9013-1.** A motion to withdraw unclaimed funds shall be filed and served in accordance with LBR 9013-1 on the debtor, the debtor's attorney, the trustee, the United States Trustee, the United States Attorney and the creditor or payee for whom the funds were deposited.
- c. Service of the Motion on the Clerk.** A copy of the motion to withdraw unclaimed funds shall be delivered by the movant to the Clerk or Chief Deputy in Room 200, Second Floor, Customs House, 701 Broadway, Nashville, Tennessee.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:)
)
) CASE NO.
) CHAPTER
Debtor(s).) JUDGE
)

MOTION TO WITHDRAW UNCLAIMED FUNDS

[Name of applicant], [through counsel], moves this Court for an order directing the Clerk to remit to the applicant the sum of [\$], which was deposited into the Treasury of the United States as unclaimed funds for [name of individual or entity for whom funds are on deposit] ("Claimant").

Applicant certifies, under penalty of perjury, that:

- (1) Applicant has conducted a reasonable investigation.
- (2) The money on deposit with the Treasury of the United States is owed to the Claimant.
- (3) The funds sought have not been paid to the Claimant or to any agent on the Claimant's behalf.
- (4) Applicant is the Claimant; or Applicant has authority to collect the funds on behalf of the Claimant as evidenced by the attached Power of Attorney or other proof that Applicant is an authorized representative for the Claimant.
- (5) No other motion is pending for recovery of the same unclaimed funds.
- (6) Applicant has complied fully with the requirements of 28 U.S.C. § 2042.

Dated:

[Attorney for Applicant]
[Address]
[Phone number]

CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of _____, _____, I mailed a copy of the foregoing to the U.S. Attorney, 110 Ninth Avenue, South, Suite A-961, Nashville, Tennessee 37203-3870, the U.S. Trustee, 701 Broadway, Customs House Suite 318, Nashville, Tennessee 37203, [name of debtor(s)], [address], [name of debtor's attorney], [address], [name of trustee], [address], and [name of Claimant], [address].

[Attorney for Applicant]

Attachments:

- (1) **Power of Attorney** or other proof if Claimant is represented by an agent or attorney.
- (2) **Proof of identity:** If Applicant is the Claimant and if the Claimant is an individual, a copy of the individual's driver's license or other photo identification.
- (3) **Proof that the funds are owed to the Claimant:** Any supporting documentation that proves the claimant is entitled to the funds requested. This can be in the form of a copy of the proof of claim, the trustee's report of unclaimed funds, or the order of distribution.
- (4) **Notice of Motion** pursuant to LBR 9013-1 (Appendix G).