

# UNITED STATES BANKRUPTCY COURT

## Southern District of Mississippi

### Instructions

#### Application for Payment of Unclaimed Funds

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The court holds unclaimed funds for an individual or entity who is entitled to the money but who has failed to claim ownership of it. The United States Courts, as custodians of such funds, have established policies and procedures for holding, safeguarding, and accounting for the funds.

#### I. **Searching Unclaimed Funds**

To search unclaimed funds, use the U.S. Courts Unclaimed Funds Locator at <https://ucf.uscourts.gov>. Select **MSSB – Mississippi Southern Bankruptcy Court** from the dropdown list and enter the applicable search criteria. If you need access to a computer to perform the search, you may use the court’s public computer terminals located at the Jackson and Gulfport divisional offices.

#### II. **Filing Requirements for Payment of Unclaimed Funds**

##### a. **Application for Payment of Unclaimed Funds**

Any party who seeks the payment of unclaimed funds must file an Application for Payment of Unclaimed Funds (“Application”) using the court’s local form MSSB-1340 and serve a copy of the Application on the United States Attorney for the Southern District of Mississippi. For purposes of this procedure, the “Applicant” is the party filing the application, and the “Claimant” is the party entitled to the unclaimed funds. The Applicant and Claimant may be the same.

##### b. **Supporting Documentation**

###### 1. **Payee Information**

Funds are payable to the Claimant. In addition to the Application the Claimant must provide a tax identification number (TIN) on a certification form signed by the Claimant.

###### A. **Domestic Claimant**

A Claimant who is a U.S. person<sup>1</sup> must use either the [AO 213P](#) or W-9 certification form (available on the Internal Revenue Service (IRS) website at [www.irs.gov](http://www.irs.gov)).

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<sup>1</sup> “U.S. person” includes: an individual who is a U.S. citizen or U.S. resident alien; a partnership, corporation, company or association created or organized in the U.S. or under the laws of the U.S.; an estate (other than a foreign estate); or a domestic trust (as defined in 26 C.F.R. 301.7701-7).

## **B. Foreign Claimant**

A foreign Claimant must submit a W-8 certification form (available on the IRS website at [www.irs.gov](http://www.irs.gov)) accompanied by the [AO-215 form](#).

## **2. Additional Supporting Documentation**

Requirements for additional supporting documentation vary depending on the type of Claimant and whether a third party represents the Claimant. Please read the instructions below to identify what supporting documents must accompany the Application.

The Claimant must provide sufficient documentation to establish the Claimant's identity and entitlement to the funds. The form of proof of identity must be unredacted and contain the Claimant's current address. If there are joint Claimants, then both Claimants must provide supporting documentation.

### **A. Owner of Record**

The Owner of Record is the original payee entitled to the funds. If the Claimant is the Owner of Record, the following additional documentation is required:

#### **i. Owner of Record - Individual**

- a. Proof of identity of the Owner of Record (*e.g.*, unredacted copy of driver's license, other state-issued identification card, or U.S. passport that includes current address); and
- b. A notarized signature of the Owner of Record (incorporated in the Application).

#### **ii. Owner of Record - Business or Government Entity**

- a. Application must be signed by an authorized representative for and on behalf of the business or government entity;
- b. A notarized statement of the signing representative's authority; and
- c. Proof of identity of the signing representative (*e.g.*, unredacted copy of driver's license, other state-issued identification card, or U.S. passport that includes current address).

If the Owner of Record's name has changed since the funds have been deposited with the court, then the Claimant must provide proof of the name change.

## **B. Successor Claimant**

A successor Claimant may be entitled to the unclaimed funds as a result of assignment, purchase, merger, acquisition, succession or by other means. If the Claimant is a successor to the original Owner of Record, the following documentation is required:

### **i. Successor Claimant - Individual**

- a. Proof of identity of the successor Claimant (*e.g.*, unredacted copy of driver's license, other state-issued identification card, or U.S. passport that includes current address);
- b. A notarized signature of the successor Claimant (incorporated in the Application); and
- c. Documentation sufficient to establish chain of ownership or the transfer of claim from the original Owner of Record.

### **ii. Successor Claimant – Business or Government Entity**

- a. Application must be signed by an authorized representative for and on behalf of the successor entity;
- b. A notarized statement of the signing representative's authority;
- c. A notarized power of attorney signed by an authorized representative of the successor entity;
- d. Proof of identity of the signing representative (*e.g.*, unredacted copy of driver's license, other state-issued identification card, or U.S. passport that includes current address); and
- e. Documentation sufficient to establish chain of ownership or the transfer of claim from the original Owner of Record.

### **iii. Deceased Claimant's Estate**

- a. Proof of identity of the estate representative (*e.g.*, unredacted copy of driver's license, other state-issued identification card, or U.S. passport that includes current address);
- b. Certified copies of probate documents or other documents authorizing the representative to act on behalf of the decedent or decedent's estate in accordance with applicable state law (*e.g.*, small estate affidavit); and
- c. Documentation sufficient to establish the deceased Claimant's

identity and entitlement to the funds.

**C. Claimant Representative**

If the Applicant is the Claimant's attorney or other representative, the following documentation is required:

- i. Proof of identity of the representative (e.g., unredacted copy of driver's license, other state-issued identification card, or U.S. passport that includes current address);
- ii. A notarized power of attorney signed by the Claimant (or Claimant's authorized representative) on whose behalf the representative is acting; and
- iii. Documentation sufficient to establish the Claimant's identity and entitlement to the funds, as set forth above.

c. **Proposed Order**

Applicant must provide the court a proposed order using the court's local form MSSB-1340-Order.

d. **Certificate of Service**

Applicant must complete the certificate of service included with the court's local form or provide a certificate of service that substantially conforms with the court's local form stating:

1. A copy of the Application and supporting documentation were sent to the Office of the U.S. Attorney for the Southern District of Mississippi; and
2. If the Claimant is entitled to the unclaimed funds by transfer, assignment, purchase, merger, acquisition, or succession by other means, the Applicant 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 a statement explaining why the Applicant was unable to do so or an explanation of why doing so is not necessary.

e. **Filing the Application**

The Claimant or their representative may submit the Application and certificate of service, supporting documentation, and a proposed order in the following manner:

1. **Registered ECF Users**

A. **Attorney**

**Application, Certificate Service, and Proposed Order:**

[Bankruptcy > Motions/Applications > Release Unclaimed Funds from Court Registry \(Application\)](#)

**Supporting Documents:**

[Bankruptcy > Other > Supporting Documents Re Unclaimed Funds \(Document Restricted\)](#)

B. **Limited Filer**

**Application, Certificate Service, and Proposed Order:**

[Bankruptcy > Claim Actions > Release Unclaimed Funds from Court Registry \(Application\)](#)

**Supporting Documents:**

[Bankruptcy > Claim Actions > Supporting Documents Re Unclaimed Funds \(Document Restricted\)](#)

2. **Non-Registered ECF User**

A non-registered ECF User must hand-deliver or mail the original Application (wet signatures required) and supporting documents to the court at either divisional office listed below:

**Jackson Office:**

Clerk, U.S. Bankruptcy Court  
Thad Cochran U.S. Courthouse  
501 E. Court St., Ste. 2.300  
Jackson, MS 395201  
601-608-4600

**Gulfport Office:**

Clerk, U.S. Bankruptcy Court  
Dan M. Russell, Jr. U.S. Courthouse  
2012 15<sup>th</sup> Street, Suite 244  
Gulfport, MS 39501  
228-563-1793

f. **Post-Filing Process**

Any party objecting to the Claimant's Application must file an objection with the court and serve a copy upon the Applicant and other appropriate parties within twenty-eight (28) days of the filing of the Application or entry of an order granting the Application, whichever is later.

If the Application is deficient, the Clerk's office may contact the Applicant for additional proof of identity or entitlement to the funds.