

**UNITED STATES BANKRUPTCY COURT
EASTERN AND WESTERN DISTRICTS OF ARKANSAS**

Instructions for Filing Application for Payment of Unclaimed Funds

Unclaimed funds are held by the court 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. Under 28 U.S.C. § 2042, a party entitled to unclaimed funds “. . . may, on petition to the court and upon notice to the U.S. Attorney and full proof of right thereto, obtain an order directing payment to him.” Applications for payment of unclaimed funds will only be processed when filed by either the owner of the funds or the owner’s duly authorized agent or representative.

I. Searching Unclaimed Funds

To search unclaimed funds, use the [Unclaimed Funds Locator](https://ucf.uscourts.gov/) at <https://ucf.uscourts.gov/>. Select AREB (Arkansas Eastern) or ARWB (Arkansas Western Bankruptcy Court) from the dropdown list and enter the applicable search criteria. Additionally, you may contact the clerk’s office at (501) 918-5500 to verify unclaimed balances.

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 a [Director’s Form 1340 Application For Payment Of Unclaimed Funds](https://www.uscourts.gov/forms/bankruptcy-forms) (effective December 1, 2019), which is available at <https://www.uscourts.gov/forms/bankruptcy-forms>. 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 same.

b. Supporting Documentation

1. Payee Information

Funds are payable to the Claimant. In conjunction with the Application for Payment of Unclaimed Funds, Claimant’s tax identification number (TIN) must be provided to the court on a certification form signed by the Claimant to whom funds are being distributed.

A. Domestic Claimant

A Claimant who is a U.S. person must use either the [AO 213P](https://www.irs.gov/) or W-9 certification form (accessible by searching on the Internal Revenue Service (IRS) website at <https://www.irs.gov/>). If a Claimant wants payment via Electronic Funds Transfer (EFT), then the [AO 213](https://www.irs.gov/) form must be used.

“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 use a W-8 certification form (accessible by searching on the IRS website at: <https://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 the Claimant is represented. Please read the instructions below to identify what must accompany your Application for Payment of Unclaimed Funds.

Sufficient documentation must be provided to the court to establish the Claimant’s identity and entitlement to the funds. Proof of identity must be provided in unredacted form with a current address. If there are Joint Claimants, then supporting documentation must be provided for both Claimants.

A. Owner of Record

The Owner of Record is the original payee entitled to the funds appearing on the records of the court. If the Claimant is the Owner of Record, the Claimant must provide to the court the following:

i. Owner of Record - Individual

- a. Proof of identity of the Owner of Record (*e.g.*, unredacted copy of driver 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 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 license, other state-issued identification card, or U.S. passport that includes current address).

(Note: Funds will be made payable/issued to the Owner of Record.)

If the Owner of Record’s name has changed since the funds have been deposited with the court, then proof of the name change must be provided.

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 license, other state-issued identification card, or U.S. passport that includes current address);
- b. A notarized signature of the successor Claimant (incorporated in application); and
- c. Documentation sufficient to establish chain of ownership or the transfer of claim from the original Owner of Record.

(Note: Funds will be made payable/issued to the Successor Claimant as assignee to 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 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.

(Note: Funds will be made payable/issued to the Successor Business as assignee to Owner of Record.)

C. Deceased Claimant's Estate

- a. Proof of identity of the estate representative (*e.g.*, unredacted copy of driver license, other state-issued identification card, or U.S. passport that includes current address);
- b. A notarized signature of the estate representative (incorporated in application);
- c. 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
- d. Documentation sufficient to establish the deceased Claimant's identity and entitlement to the funds.

(Note: Funds will be made payable/issued as determined by the court.)

D. Claimant Representative

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

- i. Proof of identity of the representative (*e.g.*, unredacted copy of driver 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.

(Note: Funds will be made payable/issued to the Owner of Record and mailed in care of the Claimant Representative.)

III. Filing the Application

The application, supporting documentation, and certificate of service must be mailed to the court at the following address:

U.S. Bankruptcy Court
300 W. Second Street
Little Rock, AR 72201

IV. Court Procedures

Upon receipt of the application, the financial department will review the application and supporting documentation for accuracy and validity, verify that the requested funds remain on deposit with the Court, and forward the application and supporting documentation to the Bankruptcy Judge, who has sole discretion as to the disposition of the application. The clerk's office may contact the applicant and request any additional information that the court may deem necessary. Questions concerning these procedures should be directed to the Financial Office, (501) 918-5512 or (501) 918-5510.

V. Helpful Links

[Director's Form 1340 Application For Payment Of Unclaimed Funds](#)

[AO 213P](#)

W-9 (accessible by searching on the IRS website at: <https://www.irs.gov/>)

W-8 (accessible by searching on the IRS website at: <https://www.irs.gov/>)

[AO 215](#)