

Instructions for Completing a Motion for Order Releasing Unclaimed Funds (Form F 3011-1)

A fillable Form F3011-1 can be downloaded from the court's website [here](#). (To find the document from the [homepage](#), click on the Forms menu, select Local Bankruptcy Rules Forms, and click on the Motion for Order Releasing Unclaimed Funds link. You can download or print from this screen. You may need to download Acrobat Reader to view, download, or print the form. A free version is available at www.adobe.com.)

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- Enter your name, address, telephone number, fax number (if applicable), and bar number (if an attorney) in the box located in the upper left hand corner of the page.
- Check box for either "Individual appearing without attorney" or "Attorney for."
 - o If you are an Attorney or Attorney-In-Fact, enter the name of the party you are representing.
- Select the division where the case was filed by clicking on the down arrow to the right of Central District of California.
- In the "In re" field (below the name and address field) enter the name(s) of the debtor(s).
- In the Case Number (No.) box, enter the case number in the following format:
 - o Office Code: Two-Digit Year-Case Number-Judge Initials (Ex. 2: 08-10001-JN)
 - o Select Chapter, if known.
- No initial hearing date is required for this motion.
- Complete paragraph 1 (if you do not know the claim number, enter "unknown").
- Complete paragraph 2 by selecting the appropriate boxes (there is another selection on the next page).

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- Complete paragraphs 3a and 3b.
 - o Please note: if you are a debtor requesting funds, you may cross out the term "creditor" and replace with "debtor" after you print the form.
 - o A brief history is required in all instances, but especially when the creditor or debtor name changes, such as when a creditor or debtor has a different last name or a successor to the funds is requesting for the funds.

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- The corporate seal is required for any corporation.
- Type or print the creditor's/successor's name and address.
 - o Please note: if you are a debtor requesting funds, you may cross out the term "creditor" and replace with "debtor" after you print the form.
- **IMPORTANT!** You must sign the form in the presence of a notary public in the state in which the form will be signed and notarized.

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- If you are being represented by an attorney or a fund locator, he or she must complete this section and his or her signature must be notarized.
- If you are not being represented, please leave blank, but include the page nevertheless.

Page 5

- The Proof of Service needs to be completed:
 - o Enter the date in the provided field.
 - o Enter the U.S. Attorney's Office and the U.S. Trustee's Office addresses in the field provided below the first paragraph.
 - o Enter the appointed case trustee's and counsel's, if any, name(s) and addresses.
 - o Enter the debtor's name and counsel's, if any, name(s) and addresses.
 - o If movant is not the original creditor, type in the original creditor's name and address and that of the creditor's counsel, if originally represented by an attorney.
 - o Sign and type or print your name.

All pages

- Copies of both the form and all attached evidence will need to be mailed to those listed on the Proof of Service form (page 5 of the motion) by the claimant or the person completing the Proof of Service. For your privacy, do not send copies of your W-9 form or Photo I.D. to the entities on the service list. Only include as part of the original to the court.

The court requires the original document to be sent to the following address:

**U.S.B.C., Financial Services Department
ATTN: Unclaimed Funds Processor
255 E. Temple Street, Room 1067
Los Angeles, CA 90012**

Or, you can submit the motion in person at the Intake Counter in any division within the Central District of California. For a list of divisions, please click on the Court Locator menu at our [website](#).

Items to submit include, but are not limited to, the following:

- For individual original claimants (or Sole Proprietor):
 - o Completed F3011-1 as explained in the instruction above,
 - o Completed W-9 form from the Internal Revenue Service (**page one only**) for the claimant (available from www.irs.gov),
 - o Copy of valid photo identification for the claimant (DMV driver's license or identification card, passport, or employee identification),
 - o Other documents, as required by court staff to verify the validity of the claim.

- For successor claimants (non-corporate):
 - Same as above, plus below:
 - If claiming on behalf of a deceased individual, a certified copy of the death certificate and proof that you are the executor of the individual's estate (certified copy of court documents listing you as executor or administrator), and
 - Proof of sale or assignment of the succession of the claim.
- For Corporations, Partnerships, or LLC's:
 - Same as for individual original claimants, plus below:
 - If claiming on behalf of an existing company:
 - the original motion, stamped or embossed with the corporate seal,
 - a signed document from the company president, vice-president, secretary, or his/her assignee, or a corporate official stating that the claimant has the capacity to act on the behalf of the corporation for requesting the company's unclaimed funds and the assignor has the official capacity to assign this duty to the claimant,
 - a notarized Authority to Act or notarized Limited Power of Attorney or any notarized document in which the signer has received the authority to collect money on behalf of the corporation.
 - If claiming on behalf of a merged company or dissolved corporation or a successor to claims:
 - in addition to the above, if applicable, any verifiable proof of a corporate dissolution, a corporate merger, or any related document in which the original corporation that had the right to claim the unclaimed funds is no longer operational, or
 - a certified or verifiable document(s), such as sale of assets or a purchase of business uncollected funds, showing the name of the corporation and proof of the purchase of any assets, or
 - any other document showing a succession of the original claim.

Other information

- We cannot release any funds without an Order to Pay Unclaimed Funds, signed by the judge (note: this will be submitted by the Financial Services Department).
- We cannot release any funds without a complete W-9 form (page one only).
- Court employees are not allowed to provide legal advice.
- Motions for Order Releasing Unclaimed Funds should **not** be electronically filed via CM/ECF. They should be submitted either in person or by mail.

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address <input type="checkbox"/> Individual appearing without attorney <input type="checkbox"/> Attorney for:	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION	
In re: <div style="text-align: right;">Debtor(s).</div>	CASE NO.: CHAPTER: 13 <div style="text-align: center;">MOTION FOR ORDER RELEASING UNCLAIMED FUNDS</div>

I, under penalty of perjury under the laws of the United States declare (or certify, verify, or state) that the following statements and information are true and correct:

1. I request an order releasing the total amount of \$_____ which is the sum of all monies deposited with the court on the following date(s) _____ on behalf of the creditor _____ on claim number(s) _____.
2. Please check and complete the applicable subparagraph(s) below:
 - a. I am the creditor named in paragraph 1.
 - b. I am an employee of the creditor named in paragraph 1 and my title is _____. The creditor is still legally entitled to the monies and I am authorized by the creditor to this petition. Submit evidence establishing authority to act on behalf of creditor.
 - c. I am the creditor and have appointed _____ as my lawful attorney-in-fact who is duly authorized by the attached original power of attorney to file this motion.

This form is optional. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

d. Subparagraphs a, b, and c above do not apply, but I am entitled to payment of such monies because (*submit evidence establishing basis for right to obtain payment*): _____

3. Please complete each of the following subparagraphs:

a. The following is the creditor's address and phone number:

b. A brief history of the creditor (from the filing of the claim to the present) which includes, if applicable, identification of any sale of the company and the new and prior owner(s). Submit evidence establishing the sale of the company from the prior to the new owner(s):

4. I understand that, pursuant to 18 U.S.C. § 152, I may be fined or imprisoned, or both, if I have knowingly and fraudulently made any false statements in this document.

(Corporate seal

Signature of creditor/successor

If applicable)

Printed creditor's/successor's name

Creditor's/successor's address

STATE OF CALIFORNIA, COUNTY OF _____

On _____ before me, personally appeared (*insert name and title of the signer*)

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. WITNESS my hand and official seal.

(SEAL)

Notary Public

My commission expires on _____

Signature of attorney/attorney-in-fact (if appointed)

Printed name

Address

STATE OF CALIFORNIA, COUNTY OF _____

On _____ before me, personally appeared (*insert name and title of the signer*)

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. WITNESS my hand and official seal.

(SEAL)

Notary public

My commission expires on _____

Presented by:

PROOF OF SERVICE OF DOCUMENT

I hereby certify under penalty of perjury under the laws of the United States that on _____, I mailed in a sealed envelope, with postage thereon fully prepaid, a fully completed true and correct copy of the document entitled: **MOTION FOR ORDER RELEASING UNCLAIMED FUNDS** to the United States attorney's office, United States trustee's office, and other persons and entities required to be served by LBR 3011-1(b) and addressed as follows:

United States attorney's office
Address: _____

United States trustee's office
Address: _____

Name and address of the trustee appointed in the case and the trustee's counsel, if any:

Name and address of the Debtor, reorganized Debtor, or other fiduciary appointed to supervise the distribution of funds and assets of the estate (if not the claimant) and their counsel, if any:

If Movant is not the original creditor or an employee thereof, insert the name and address of the original creditor and the creditor's counsel, if any:

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

_____ *Date*

_____ *Printed Name*

_____ *Signature*

This form is optional. It has been approved for use in the United States Bankruptcy Court for the Central District of California.