

## Petition Policy for Unclaimed Funds

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### Code 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."

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### Types of Claimants

1. **Owners of Record:** the person shown in the court's records as the owner of the funds.
  2. **Successor Claimants:** business successors, descendant's estates, assignees, judgment creditors, etc., who now have direct claims to the funds but are not the owners of record.
  3. **Claimant Representatives:** typically fund locators who act on behalf of owners of record/successor claimants.
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### Preparing a Petition for Application of Unclaimed Funds

1. A claimant seeking disbursement of unclaimed funds, being held by the Court, must file a "[petition](#)" using the Court's prescribed form or likeness.
  2. The petition must be accompanied by the printed page(s) from the Internet's "[Unclaimed Funds List](#)" that corresponds to the amount(s) being claimed on the petition.
  3. The Court will submit a copy of the completed petition, on behalf of the claimant, to the U.S. Attorney's Office for the District of Idaho.
  4. To verify the claimant's identity as owner of record, the claimant must provide to the court the following:
    - A notarized signature of the claimant;
    - A brief history of the claim;
    - The name, address and telephone number of claimant;
    - The social security or tax identification number of the claimant; and
    - A photocopy of photo identification, i.e. driver's license or passport of the party entitled to the funds
  5. All claimants must submit a completed [W-9 Form](#).
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**Additional Information Needed if Claimant is NOT the Owner of Record**

1. When the owner of record is not the claimant, the signer or claimant requesting release of the funds must show proper authority. The court must receive the following additional information:

**◆ Successor Claimants****❖ Successor Businesses**

- When a successor business claimant petitions the court for release of unclaimed funds, the successor claimant must provide to the court the following:
- Proof of identity of the owner of record ;
- A notarized power of attorney signed by an officer of the successor business;
- A statement of the signing officer's authority; and
- Documentation establishing chain of ownership from the original business claimant

**❖ Transferred Claims**

- When a successor claimant holding a transferred claim petitions the court for release of unclaimed funds, the successor claimant must provide to the court the following:
- Proof of identity of the owner of record ;
- Proof of identity of the successor claimant; and
- Documentation establishing chain of ownership from the original business claimant

**❖ Decedent's Estate (Administrator, Executor, Representative)**

- When the owner of record is deceased and the decedent's estate petitions the court for release of unclaimed funds, the decedent's estate must provide to the court the following:
- Proof of identity of the owner of record;
- Proof of personal identity of the estate administrator; and
- Certified copies of probate documents establishing the representative's right to act on behalf of the decedent's estate

**◆ Claimant Representatives (i.e. Fund Locator)**

- When a representative of the owner of record or successor claimant petitions the court for release of unclaimed funds, the representative must provide to the court the following:
- Proof of identity of the owner of record, as required in #4 above
- A notarized, original power of attorney signed by the claimant on whose behalf the representative is acting;
- Proof of identity of the representative;

- Documentation sufficient to establish the claimant's entitlement to the funds;
- If the creditor submits a petition claiming the same funds, the monies shall be paid to the creditor providing disbursement has not already been made. The creditor's request will be considered a revocation of the agent's power of attorney. If petitions are received from more than one agent and the funds have not been disbursed, no disbursement will be made until the matter has been settled by a hearing before the Court.

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### **Petition Review**

1. The Court shall review petitions for completeness and validity. This includes ensuring that Successor Claimants and Claimant Representatives have rights to the funds being requested.
2. A petition which is not acceptable shall be returned to the claimant or agent thereof with an explanation for the return. Any later petition received will be processed without consideration of a prior petition that was returned.
3. Thirty days after the receipt of an accepted petition, if no objection to disbursement has been filed, the proposed order will be presented to the Court for payment. An objecting party must set a hearing before the Court prior to disbursement.

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### **Disbursement of Unclaimed Funds**

1. The Court will make disbursements payable only in the name of the creditor even though submitted by an agent. Disbursement is to be made by U.S. Treasury check when funds are in the U.S. Treasury trust account.
2. Payments will be posted to the appropriate ledgers upon issuance of a check.
3. The disbursement will be docketed and the petition and order will be appropriately placed in a file.

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### **Questions**

Any questions regarding Bankruptcy Unclaimed Funds should be made to the Financial Department of the;

U.S. Bankruptcy Court, U.S. Courthouse and Federal Building  
550 West Fort Street, Suite 400  
Boise, Idaho 83724

Telephone number is (208) 334-9207