

# UNCLAIMED FUNDS

## (NON-FOREIGN CLAIMANTS)

Applicable Rules and Procedures for the Middle  
District of Tennessee Bankruptcy Court

Updated March 2024

- ▶ Prepare your Motion to Withdraw Unclaimed Funds
- ▶ Prepare your Supporting Documentation for your Motion
- ▶ Serve your Motion and Supporting Documentation on the interested entities
- ▶ File your Motion and Certificate of Service
- ▶ Fill out form AO 213P or W-9 (as applicable) and email to the Court with any unredacted Proof of Identity applicable
- ▶ The Court will issue an Order Establishing Procedures Regarding Motion to Withdraw Unclaimed Funds which will set applicable deadlines
- ▶ If there are no objections and the motion and all required documents are satisfactorily completed, the Court may grant the Motion without a hearing.
- ▶ The Court will pay the Claim pursuant to the information on Form AO 213P or W-9

## PROCESS OVERVIEW

### **3011-1 UNCLAIMED FUNDS**

**(a) Motions to Withdraw Unclaimed Funds and Procedures.** The form motion to withdraw unclaimed funds shall be in the format located on the court's website at [www.tnmb.uscourts.gov](http://www.tnmb.uscourts.gov). Procedures regarding such motions are found at [www.tnmb.uscourts.gov/unclaimed-funds-rules-and-guidance](http://www.tnmb.uscourts.gov/unclaimed-funds-rules-and-guidance).

**(b) Service of the Motion.** The form Motion to Withdraw Unclaimed Funds (Form 1340) shall be served 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. A certificate of service must accompany the Motion to Withdraw Unclaimed Funds and comply with LBR 9013-3(b).

# APPLICABLE LOCAL RULE: LR 3011-1



UNITED STATES BANKRUPTCY COURT  
**Middle District of Tennessee**  
Hon. Randal S. Mashburn, Chief Judge – Teresa C. Azan, Clerk of Court

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**Hearing Information - Where & When? In-Person or Virtual?**

[Case Locator \(PACER\) »](#)  
[E-Filing \(CM/ECF\) »](#)  
[PACER Service Center »](#)  
[File an Electronic Claim »](#)



U.S. BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE  
**IN-PERSON HEARINGS**  
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**Court Locations**  
Nashville  
United States Bankruptcy Court  
Middle District of Tennessee  
701 Broadway, Room 170  
Nashville, TN 37203  
Phone: (615) 736-5584  
  
Columbia  
(unstaffed office)  
Federal Building and Courthouse  
815 South Garden St.  
Columbia, TN 38401  
  
Cookeville  
(unstaffed office)  
L. Clure Morton Post Office and Courthouse  
9 E Broad St.  
Cookeville, TN 38503  
  
[Middle District Map](#)

 **ZOOM Court Information**  
 **Docket**  
 **9013 Availability Calendar**  
 **Local Rules & General Orders**  
 **Forms**  
 **Trustees Final Reports**  
 **US Trustee/Ch7 & Ch 13 Trustees**  
 **341 Meeting Report**  
**Year-to-date Bankruptcies: 2919**

**News & Announcements**  
Tue, 08/08/2023  
**Invitation to Members of the Bar Attending the Sixth Circuit Judicial Conference**  
  
Wed, 08/02/2023  
**Notice – Position for TNMB Bankruptcy Judge (closing date 8/30/23)**  
  
Fri, 07/21/2023  
**Invitation to Panel Discussion**  
[View all »](#)

**Unclaimed Funds**

- Unclaimed Funds Rules and Guidance
- Unclaimed Funds Locator
- AO 213P  (Foreign Claimant)
- AO 215  (Foreign Claimant)

# VISIT THE COURT'S WEBSITE

[HTTPS://WWW.TNMB.USCOURTS.GOV](https://www.tnmb.uscourts.gov)



# UNITED STATES BANKRUPTCY COURT

## Middle District of Tennessee

Hon. Randal S. Mashburn, Chief Judge - Teresa C. Azan, Clerk of Court



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[CLICK HERE](#) >> Hearings - Where & When? In-Person or Virtual? <<

(Effective 9/20/2023)

[Case Locator \(PACER\) »](#)

[E-Filing \(CM/ECF\) »](#)

[PACER Service Center »](#)

[File an Electronic Claim »](#)



U.S. BANKRUPTCY COURT FOR THE MIDDLE  
DISTRICT OF TENNESSEE

[IN-PERSON HEARINGS](#)

[More Information...](#)

1 2 3 4



### Court Locations

#### Nashville

United States Bankruptcy Court  
Middle District of Tennessee  
701 Broadway, Room 170  
Nashville, TN 37203  
Phone: (615) 736-5584

#### Columbia

(unstaffed office)  
Federal Building and Courthouse  
815 South Garden St.  
Columbia, TN 38401

#### Cookeville

(unstaffed office)  
L. Clure Morton Post Office and Courthouse  
9 E Broad St.  
Cookeville, TN 38503

[Middle District Map](#)

### Other Resources

- Practitioners Handbook
- Debtor Electronic Bankruptcy Noticing (DeBN)
- Privately Funded Seminars Disclosure
- Judicial Conduct and Disability

### Other Court Links

[Register for Virtual Link](#)

[Zoom Court Information](#)

[Docket](#)

[9013 Availability Calendar](#)

[Local Rules & General Orders](#)

[Forms](#)

[Trustees Final Reports](#)

[US Trustee/Ch7 & Ch 13 Trustees](#)

[341 Meeting Report](#)

[Year-to-date Bankruptcies: 4487](#)

On The Docket:

Today  
0

Tomorrow  
0

### News & Announcements

Thu, 11/30/2023

[Upcoming December 1st Rule and Form Changes.](#)

Tue, 11/28/2023

[Mandatory Electronic Bankruptcy Noticing Threshold Decrease \(Information\)](#)

Mon, 10/30/2023

[Holiday Order Announcement - Administrative Order 23-4](#)

[View all »](#)

### Unclaimed Funds

- [Unclaimed Funds Rules and Guidance](#)
- [Unclaimed Funds Locator](#)
- [AO 213P](#)
- [AO 215](#) (Foreign Claimant)

**ATTENTION: PRO SE DEBTORS AND OTHER  
UNREPRESENTED PARTIES**

During the course of a bankruptcy case or proceeding, bankruptcy court notices are mailed by the Bankruptcy Noticing Center (BNC) on behalf of the court. The BNC, which is operated by a private contractor, provides notice production and mailing

You will find the forms and guidance for Middle District of Tennessee Unclaimed Funds here.



- ▶ Motion to Withdraw Unclaimed Funds
- ▶ Any party who seeks to withdraw unclaimed funds must file a Motion to Withdraw Unclaimed Funds in substantial conformance with the court's standard application forms (BForm 1340) and serve a copy of the motion on the parties listed in Local Bankruptcy Rule (LBR) 3011-1. For purposes of this procedure, the "Movant" is the party filing the motion, and the "Claimant" is the party entitled to the unclaimed funds. The Movant and Claimant may be the same.
- ▶ The ECF Motion to Withdraw Unclaimed Funds may be found under > Bankruptcy Events > Motions > Other Motions/Applications > Withdraw Unclaimed Funds – BK Motion.

## UNCLAIMED FUNDS RULES AND GUIDANCE

Fill in this information to identify the case:

Debtor 1

First Name Middle Name Last Name

Debtor 2

(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: Middle District of Tennessee

Case number:

Form 1340 (12/23 Modified )

MOTION TO WITHDRAW UNCLAIMED FUNDS

1. Claim Information

For the benefit of the Claimant(s)<sup>1</sup> named below, application is made for the withdrawal of unclaimed funds on deposit with the court. I have no knowledge that any other party may be entitled to these funds, and I am not aware of any dispute regarding these funds. I have fully complied with the requirements of 28 U.S.C. § 2042 and the instructions for Filing Motion to Withdraw Unclaimed Funds located at [www.tnmb.uscourts.gov](http://www.tnmb.uscourts.gov).

Note: If there are joint Claimants, complete the fields below for both Claimants.

Amount:

Claimant's Name:

Claimant's Current Mailing Address, Telephone Number, and Email Address:

2. Claimant Information

Movant<sup>2</sup> represents that Claimant is entitled to receive the unclaimed funds because (check the statements that apply):

☐ The Claimant is the Owner of Record<sup>3</sup> entitled to the unclaimed funds appearing on the records of the court.

☐ The Claimant (Successor Claimant) and is entitled to the unclaimed funds by transfer, assignment, purchase, merger, acquisition, or succession or by other means, and below are the name(s) of the Owner of Record and all previous owner(s) of the claim:

☐ If the Claimant is a Successor Claimant, Movant has sent a copy of the motion to the Owner of Record and all other previous owner(s) of the claim at their current address or Movant has enclosed a statement explaining why Movant was not able to do so or an explanation of why doing so is not necessary.

3. Movant Information

Movant represents the following:

☐ Movant is the Claimant.

☐ Movant is the Claimant's representative (e.g., attorney or unclaimed funds locator).

☐ Movant is a representative of the deceased Claimant's estate.

<sup>1</sup> The Claimant is the party entitled to the unclaimed funds.

<sup>2</sup> The Movant is the party filing the motion. The Movant and Claimant may be the same.

<sup>3</sup> The Owner of Record is the original payee.

4. Supporting Documentation

☐ Movant has read the court's instructions for filing a Motion to Withdraw Unclaimed Funds and is providing the required supporting documentation as indicated on the court's website at [www.tnmb.uscourts.gov](http://www.tnmb.uscourts.gov).

5. Notice to United States Attorney

☐ Movant has sent a copy of this motion and supporting documentation to the United States Attorney, pursuant to 28 U.S.C. § 2042, at the following address:

Office of the United States Attorney  
Middle District of Tennessee  
719 Church Street, Suite 3300  
Nashville, TN 37203-6940

6. Movant Declaration

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and any fraud in the motion or supplemental materials may result in criminal penalties, see, e.g. 18 U.S.C. § 152.

Date: \_\_\_\_\_

Signature of Movant \_\_\_\_\_

Printed Name of Movant \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

6. Co-Movant Declaration (if applicable)

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and any fraud in the motion or supplemental materials may result in criminal penalties, see, e.g. 18 U.S.C. § 152.

Date: \_\_\_\_\_

Signature of Co-Movant (if applicable) \_\_\_\_\_

Printed Name of Co-Movant (if applicable) \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

7. Notarization

STATE OF \_\_\_\_\_ OF

COUNTY OF \_\_\_\_\_

This Motion for Unclaimed Funds, dated \_\_\_\_\_, was subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_

who signed above and is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument. WITNESS my hand and official seal.

(SEAL) Notary Public: \_\_\_\_\_

My commission expires: \_\_\_\_\_

7. Notarization

STATE \_\_\_\_\_ OF

COUNTY OF \_\_\_\_\_

This Motion for Unclaimed Funds, dated \_\_\_\_\_, was subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_

who signed above and is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument. WITNESS my hand and official seal.

(SEAL) Notary Public: \_\_\_\_\_

My commission expires: \_\_\_\_\_

Form 1340

Motion to Withdraw Unclaimed Funds

Page 2

THE MOTION TO WITHDRAW UNCLAIMED FUNDS IS A STANDARDIZED MOTION. YOU MUST USE THIS FORM TO HAVE YOUR MOTION CONSIDERED BY THE COURT.

STEP BY STEP INSTRUCTIONS





Fill in this information to identify the case:

Debtor 1  
First Name Middle Name Last Name

Debtor 2  
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: Middle District of Tennessee

Case number:

Fill out the applicable Debtor(s) name(s) and Case Number for the case related to the funds you are trying to claim.

**Form 1340 (12/23 Modified)**

**MOTION TO WITHDRAW UNCLAIMED FUNDS**

**1. Claim Information**

For the benefit of the Claimant(s)<sup>2</sup> named below, application is made for the withdrawal of unclaimed funds on deposit with the court. I have no knowledge that any other party may be entitled to these funds, and I am not aware of any dispute regarding these funds. I have fully complied with the requirements of 28 U.S.C. § 2042 and the Instructions for Filing Motion to Withdraw Unclaimed Funds located at [www.tnmb.uscourts.gov](http://www.tnmb.uscourts.gov).

Note: If there are joint Claimants, complete the fields below for both Claimants.

Amount:	
Claimant's Name:	
Claimant's Current Mailing Address, Telephone Number, and Email Address:	

- Verify the accuracy of the Claim Information statement that will be signed at the end of the form.
- Fill out the Amount of the Funds claimed. This should match the Court's records.
- Fill out the Claimant's Name
  - The Claimant is the party who the funds will be made payable to. The Claimant and the Movant are often the same.
- Fill out the Contact information for the Claimant.

## 2. Claimant Information

Movant<sup>2</sup> represents that Claimant is entitled to receive the unclaimed funds because (*check the statements that apply*):

- 1 ☐ The Claimant is the Owner of Record<sup>3</sup> entitled to the unclaimed funds appearing on the records of the court.
- 2 ☐ The Claimant (Successor Claimant) and is entitled to the unclaimed funds by transfer, assignment, purchase, merger, acquisition, or succession or by other means, and below are the name(s) of the Owner of Record and all previous owner(s) of the claim:  

[No Title]

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- 3 ☐ If the Claimant is a Successor Claimant, Movant has sent a copy of the motion to the Owner of Record and all other previous owner(s) of the claim at their current address or Movant has enclosed a statement explaining why Movant was not able to do so or an explanation of why doing so is not necessary.

LET THE COURT KNOW WHY THE CLAIMANT IS ENTITLED TO RECEIVE THE MONEY :

1. CHECK IF THE CLAIMANT IS THE OWNER OF RECORD, IN OTHER WORDS, THEY ARE THE ORIGINAL ENTITY WHOM THE FUNDS WERE PAYABLE TO ORIGINALLY
2. CHECK IF THE CLAIMANT IS A DIFFERENT ENTITY FROM THE ORIGINAL CLAIMANT (OWNER OF RECORD) AND THEY HAVE ACQUIRED THE RIGHT TO PAYMENT THROUGH LEGAL MEANS
3. IF YOU CHECKED THE 2<sup>ND</sup> BOX YOU MUST CERTIFY YOU HAVE SENT A COPY OF THIS MOTION TO ALL PREVIOUS OWNERS/CLAIMANTS OR EXPLAIN WHY THIS IS NOT POSSIBLE OR NECESSARY DEPENDING ON THE CIRCUMSTANCES. BE SPECIFIC AS THE COURT MUST BE CONVINCED YOU ARE THE TRUE OWNER OF THE FUNDS TO BE PAID.

### 3. Movant Information

Movant represents the following:

- ☐ Movant is the Claimant.
- ☐ Movant is the Claimant's representative (e.g., attorney or unclaimed funds locator).
- ☐ Movant is a representative of the deceased Claimant's estate.

The Movant is the party filing the motion with the Court. You may be filing this on your own behalf for payment. If you are an attorney filing this motion on behalf of a client, you are the Movant and your client is the Claimant.

Select the best option to describe your situation with regard to the funds

1. You are the original payee/owner of the funds and you are filing this on your own behalf
2. You do not own the funds and are filing the motion on behalf of the owner
3. The owner/payee of the funds is deceased and you represent their estate's interest

#### 4. Supporting Documentation

- ☐ Movant has read the court's instructions for filing a Motion to Withdraw Unclaimed Funds and is providing the required supporting documentation as indicated on the court's website at [www.tnmb.uscourts.gov](http://www.tnmb.uscourts.gov).

Check the box to certify that the Movant has read the Supporting Documentation section on the Clerk's Website.

<https://www.tnmb.uscourts.gov/unclaimed-funds-rules-and-guidance>

There will be more details on supporting documentation on later slides.

**5. Notice to United States Attorney**

- ☐ Movant has sent a copy of this motion and supporting documentation to the United States Attorney, pursuant to 28 U.S.C. § 2042, at the following address:

Office of the United States Attorney  
Middle District of Tennessee  
719 Church Street, Suite 3300  
Nashville, TN 37203-6940

You must mail a copy of your motion to the United States Attorney at the address listed on the form to provide them with adequate notice of your motion. Check the box to certify you have done so as the Movant.

You should also list the US Attorney on your certificate of service as well.

<b>6. Movant Declaration</b> Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and any fraud in the motion or supplemental materials may result in criminal penalties, see, e.g. 18 U.S.C. § 152. Date: _____  _____ Signature of Movant  _____ Printed Name of Movant  Address: _____  Telephone: _____ Email: _____	<b>6. Co-Movant Declaration (if applicable)</b> Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and any fraud in the motion or supplemental materials may result in criminal penalties, see, e.g. 18 U.S.C. § 152. Date: _____  _____ Signature of Co-Movant (if applicable)  _____ Printed Name of Co-Movant (if applicable)  Address: _____  Telephone: _____ Email: _____
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**MAKE SURE NOT TO  
SIGN/DATE UNLESS  
YOU ARE SIGNING IN  
THE PRESENCE OF THE  
NOTARY WHO WILL BE  
NOTARIZING YOUR  
SIGNATURE!**

The Movant should then fill out their Name, Address, Telephone Number, and E-mail address. They should then Sign and Date **IN THE PRESENCE OF A NOTARY** to declare that the form has been filled out truthfully and accurately.



<p>7. Notarization</p> <p>STATE OF _____</p> <p>COUNTY OF _____</p> <p>This Motion for Unclaimed Funds, dated _____ was subscribed and sworn to before me this _____ day of _____, 20____ by _____</p> <p>who signed above and is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument. WITNESS my hand and official seal.</p> <p>(SEAL) Notary Public _____</p> <p>My commission expires: _____</p>	<p>7. Notarization</p> <p>STATE _____ OF _____</p> <p>COUNTY OF _____</p> <p>This Motion for Unclaimed Funds, dated _____ was subscribed and sworn to before me this _____ day of _____, 20____ by _____</p> <p>who signed above and is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument. WITNESS my hand and [No Title] al seal.</p> <p>(SEAL) Notary Public _____</p> <p>My commission expires: _____</p>
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Your Notary will fill out this section after watching the Movant sign the Form 1340

MOTION COMPLETE!

WHAT'S NEXT?









- ▶ The Motion and supporting documentation must be served on:
  - ▶ The Debtor(s) in the case
  - ▶ The Debtor(s) Attorney in the case
  - ▶ The Trustee in the case
  - ▶ The United States Trustee
  - ▶ The United States Attorney
  - ▶ The Creditor or Payee to whom the unclaimed funds were initially payable to at the time of their deposit

## CERTIFICATE OF SERVICE

- ▶ In an effort to help parties who may not be able to affordably obtain help from an attorney to complete this process, the Court has created a fillable PDF form for the certificate of service.

## FILLABLE PDF CERTIFICATE OF SERVICE

#### Rules and Forms

- LBR 3011-1 
- [Motion to Withdraw Unclaimed Funds - December 1st, 2023](#)
- [Form B1340 Certificate of Service – Effective December 1, 2023](#)
- AO Form 213P (Vendor Information/TIN Certification) 
- AO 213P (Vendor Information/TIN Certification) 
- W-9 (accessible by searching on the IRS website at: <https://www.irs.gov> (link is external) )
- W-8 (accessible by searching on the IRS website at: <https://www.irs.gov> (link is external) )
- AO 215  (Foreign Claimant)

AVAILABLE AT THE COURT'S WEBSITE:  
[HTTPS://WWW.TNMB.USCOURTS.GOV/UNC  
LAIMED-FUNDS-RULES-AND-GUIDANCE](https://www.tnmb.uscourts.gov/uncclaimed-funds-rules-and-guidance)

Certificate of Service  
Form 1340, 12/23

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF TENNESSEE

In Re: \_\_\_\_\_ Case No. \_\_\_\_\_  
Chapter \_\_\_\_\_

Debtor(s). \_\_\_\_\_

**CERTIFICATE OF SERVICE  
FOR MOTION TO WITHDRAW UNCLAIMED FUNDS**  
(\*File this certificate of service with your Motion\*)

☐ I certify that a copy of the Motion to Withdraw Unclaimed Funds and the required supporting documentation was sent via:

\_\_\_\_\_  
*(Specify Method of Delivery, e.g., USPS First-Class Mail postage prepaid)*

to all of the following:

<input type="checkbox"/> Office of the United States Attorney Middle District of Tennessee 719 Church Street, Suite 3300 Nashville, TN 37203-6940	<input type="checkbox"/> U.S. Trustee, Region 8 U.S. Customs House 701 Broadway, Room 318 Nashville, TN 37203
<input type="checkbox"/> Debtor's Attorney at _____	<input type="checkbox"/> Debtor(s) at _____

☐ Creditor/Payee of the Funds Deposited at \_\_\_\_\_

☐ I certify that a copy of the Motion to Withdraw Unclaimed Funds was sent via \_\_\_\_\_

\_\_\_\_\_  
*(Specify Method of Delivery, e.g., USPS First-Class Mail postage prepaid)*

to Previous Owner(s) of Claim (if applicable):  
*(If the Claimant is a Successor Claimant, enter name and current address for each previous owner served or provide statement with your application addressing why service is not possible. This is not applicable if you are the Owner of Record)*

Dated: \_\_\_\_\_

Signature \_\_\_\_\_

Print Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

# FORM B1340 CERTIFICATE OF SERVICE FOR MOTION TO WITHDRAW UNCLAIMED FUNDS



- ▶ Form B1340's Certificate of Service provides a fillable PDF to help you make sure you will be able to serve your motion on the correct entities.

## CERTIFICATE OF SERVICE

Debtor's name  
and Joint  
Debtor's name  
if applicable.

No letters are  
necessary. Just  
the number will  
work.

Certificate of Service  
Form 1340, 12/23

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF TENNESSEE

In Re: Debtor's Name

Joint Debtor's Name

Case No. 23-12345

Chapter

How did you serve your  
Motion? First Class mail is  
the most common.

7, 11, 12,  
13, etc.

**CERTIFICATE OF SERVICE**

**FOR MOTION TO WITHDRAW UNCLAIMED FUNDS**

**(\*\*File this certificate of service with your Motion\*\*)**



I certify that a copy of the Motion to Withdraw Unclaimed Funds and the required  
supporting documentation was sent via:

**US Mail First Class, Certified Mail, etc**

*(Specify Method of Delivery, e.g., USPS First-Class Mail postage prepaid)*

You can check the boxes to certify you have served your motion and supporting documents (the US Attorney and US Trustee should ALWAYS be served with a Motion to Withdraw Unclaimed Funds).

☐ Office of the United States Attorney  
Middle District of Tennessee  
719 Church Street, Suite 3300  
Nashville, TN 37203-6940

☐ U.S. Trustee, Region 8  
U.S. Customs House  
701 Broadway, Room 318  
Nashville, TN 37203

☐ Debtor's Attorney at


☐ Debtor(s) at


☐ Creditor/Payee of the Funds Deposited at


These areas may or may not need to be completed, depending on the underlying case. If the Debtor(s) in the bankruptcy case had an attorney, you will need to serve them as well as the Debtor(s). If you are a successor claimant for a case creditor, you must serve the original creditor/payee of the funds.

If you are a successor claimant, you must also complete this section. If you are the owner of record (original payee) you don't have to complete this step and can skip to signing below

☐

I certify that a copy of the Motion to Withdraw Unclaimed Funds was sent via

*(Specify Method of Delivery, e.g., USPS First-Class Mail postage prepaid)*

to Previous Owner(s) of Claim (if applicable):

*[If the Claimant is a Successor Claimant, enter name and current address for each previous owner served or provide statement with your application addressing why service is not possible. This is not applicable if you are the Owner of Record]*

If you are a successor payee, state how you served your motion and provide the addresses you used for ALL previous owners of the funds.

Dated: \_\_\_\_\_

Provide your name,  
address, phone number,  
and email.

You can then print the form  
and sign and date, or sign  
and date electronically.

\_\_\_\_\_  
Signature

Print Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

### 9013-3 CERTIFICATE OF SERVICE — MOTIONS

**(a) In General.** When the United States Code, Federal Rules of Bankruptcy Procedure or these Local Rules require a party to provide notice or to serve papers, the responsible party shall file a certificate of service within 3 business days after giving notice or making service.

**(b) Contents of Certificate.** The certificate shall state the manner in which notice or service was effected and shall include the names and addresses of all parties served. A copy of the notice or papers served shall be attached to the certificate. For Chapter 12 and 13 cases, the certificate shall also include the total number of parties served.

Certificate of service

# LOCAL RULE REGARDING CERTIFICATE OF SERVICE



- ▶ Remember, this is not a LR 9013 Motion
- ▶ Find your event by going to Bankruptcy > Motions > Other Motions/Applications > Withdraw Unclaimed Funds – BK Motion
- ▶ You can also use the search feature to locate the event by searching for “unclaimed funds” in CM/ECF
- ▶ **DO NOT USE** the 9013 event “Release Funds from Court Registry.” Unclaimed Funds are NOT deposited into the Court’s Registry.

## ECF EVENT SELECTION

HOW DO I FILE THIS WITH THE COURT?

Several thin, parallel white lines of varying lengths and slopes are positioned in the bottom right corner of the slide, creating a modern, abstract graphic element.

- ▶ Non-attorney Individuals who do not conduct regular business with the court may file their motions by mail or by hand delivering to the Intake counter at

United States Bankruptcy Court  
Middle District of Tennessee  
701 Broadway, Room 170  
Nashville, TN 37203

- ▶ They are also able to file using the ECF electronic filing system that attorneys and creditors use.

- ▶ The following will show how to file the motion through the ECF program.
- ▶ The following assumes you are familiar with electronic filing.



CM ECF Bankruptcy Adversary Query Reports Utilities Search Help What's New Log Out ( kdc)

Docket Sheet Claims Register List of Creditors Deadlines/Hearings Calendar Events 8/15/2023 Associated Case

### Bankruptcy Events

1

Appeals  
[Appeal](#)

Case Opening Events  
[Open BK Case](#)  
[Open Involuntary Case](#)  
[Judge/Trustee Assignment](#)  
[Upload list of creditors file](#)  
[DeBN request \(Activate, Deactivate or Update\)](#)

Claims  
[Claim Actions](#)  
[Claims Upload](#)  
[Creditor Maintenance...](#)  
[File Claims](#)

Convert / Split / Deconsolidate  
[Convert](#)  
[Deconsolidate](#)  
[Reconvert](#)  
[Split](#)

Court Users Only  
[Appeals](#)  
[Bankruptcy Clerk's Inquiries](#)  
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Court Users Only (cont.)  
[Bankruptcy Court Events \(Admin\)](#)  
[Bankruptcy Court Events \(Batch Filing\)](#)  
[Bill of Cost](#)  
[Chambers Only](#)  
[Corrections for SARD](#)  
[Intake Only Events](#)  
[Set Hearings](#)  
[SOE](#)  
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Responses  
[LBR 9013 Response](#)  
[Objection/Response \(DO NOT USE FOR 9013 Motions\)](#)  
[Objection to CH 11 Subchapter V Designation](#)  
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## File a Motion

Start typing to find an event.

### Available Events (click to select an event)

Show Cause - BK Motion  
Stop Payroll - BK Motion  
Subchapter V - Extend or Enlarge Small Bus Subchapter V - BK Motion  
Substantively Consolidate - BK Motion  
Substitute Attorney - BK Motion  
Transfer Bankruptcy Case to Another District - BK Motion  
Transfer Bankruptcy Case to Another Division - BK Motion  
Use Cash Collateral - BK Motion  
Vacate (Other) - BK Motion  
Waive Credit Counseling - BK Motion  
Waive Fee - All Debtor(s) Fees - BK Motion  
Waive Fee - Miscellaneous - BK Motion  
Withdraw Unclaimed Funds - BK Motion  
Withdraw as Attorney - BK Motion  
Withdrawal of Reference - BK Motion  
Writ - BK Motion

Next

Clear

3

CLICK 1, CLICK 2, CLICK 3

## Do file on the Docket

- Motion to Withdraw Unclaimed Funds (Form 1340)
- Certificate of Service for the Motion to Withdraw Unclaimed Funds
- Most Supporting Documents regarding proof of ownership of the unclaimed funds
- Redacted proof of ID for Claimants

## Don't file on the Docket

Send to the Court directly

- Form AO 213P
- Unredacted proof of ID for Claimants (Driver's licenses, passports, or anything with a full Social Security Number)
- Submitted Order for entry, the Court will issue its own Order

Send these in PDF form to :

[tnmbml\\_financial@tnmb.uscourts.gov](mailto:tnmbml_financial@tnmb.uscourts.gov)

# WHAT GETS FILED ON THE DOCKET?



- ▶ A Claimant who is a U.S. Person\* must use either the AO 213P (available on the Clerk's website) or W-9 certification form (accessible by searching on the Internal Revenue Service (IRS) website at: <https://www.irs.gov/> (link is external)(link is external)). If a Claimant wants payment via Electronic Funds Transfer (EFT), then the AO 213P form must be used.
  - ▶ Business Entity/Corporate Claimants: If the Claimant is a corporation, partnership or other business entity, the AO 213P Form must provide the name and title of the corporate officer, general partner or business representative along with the address, telephone number, email address and taxpayer identification number
  - ▶ Individuals: If the Claimant is an individual, the AO 213P Form must provide the name of the claimant, address, telephone number, email address and taxpayer identification number (social security number)

\*A "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).

## SUPPORTING DOCUMENTATION

- ▶ The AO 213P Form contains a Page 2 with detailed instructions for completing the form. Remember this form is for the Claimant's information (the party who the funds will be made payable to).
- ▶ The AO 213P must contain an actual signed, ink signature signed by a living human being. No electronic signatures or stamped signatures can be accepted on this form.
- ▶ Do not file the Form AO 213P with your Motion (it may contain sensitive information, such as the Claimant's Social Security Number. You will send this form directly to the Court.

## SUPPORTING DOCUMENTATION

- ▶ Additional supporting documentation varies depending on the nature of the Owner of Record.
- ▶ The goal of the supporting documentation is to provide all the parties and the Court a “chain of ownership” demonstrating that the Claimant is the undisputed owner/payee of the unclaimed funds at issue.
- ▶ The examples of supporting documentation that follow should be used as a guide for the MINIMUM amount of information provided.

## SUPPORTING DOCUMENTATION

- ▶ Claimants are sometimes frustrated that the Court or Clerk can not always provide guidance on what exactly should be contained in the supporting documentation, apart from the minimum guidance provided on the Court's website. Remember, the Court/Clerk are unable to provide legal advice to parties and determining what information should or should not be provided in the supporting documentation has been held by some Courts to be a strategic legal decision. Due to the nature of unclaimed funds assignments, it would be impossible to make an all-encompassing guide.
- ▶ The following slides demonstrate examples of minimum requirements. You may need to provide additional information as determined by the specifics of the case and your fact scenario.

## SUPPORTING DOCUMENTATION

For an Individual (non-business/corporate entity) Claimant should provide

1. 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
  2. A notarized signature of the Owner of Record (incorporated in the Form 1340).
- 
- ▶ 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.
  - ▶ Copies of Proof of Identity for the Claimant that are filed on the docket should always be redacted. Unredacted copies should be sent to the Clerk at :  
[tnmbml\\_financial@tnmb.uscourts.gov](mailto:tnmbml_financial@tnmb.uscourts.gov)

## SUPPORTING DOCUMENTATION

INDIVIDUAL CLAIMANT WHO IS THE ORIGINAL OWNER/PAYEE

For a Business or Government Entity original owner:

1. Motion must be signed by an authorized representative for and on behalf of the business or government entity;
2. A notarized statement of the signing representative's authority; and
3. 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 proof of the name change must be provided.

## SUPPORTING DOCUMENTATION

BUSINESS OR GOVERNMENT ENTITY WHO IS THE ORIGINAL  
OWNER/PAYEE

## ► Successor Claimants

- Supporting Documentation is critical for successor Claimants, as a successor Claimants may be entitled to the unclaimed funds as a result of assignment, purchase, merger, acquisition, succession or by other means.

SUPPORTING DOCUMENTATION  
SUCCESSOR CLAIMANTS

## ► Successor Claimant - Individual

1. 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);
2. A notarized signature of the successor Claimant (incorporated in Form 1340); and
3. Documentation sufficient to establish chain of ownership or the transfer of claim from the original Owner of Record.

# SUPPORTING DOCUMENTATION

## SUCCESSOR CLAIMANTS: INDIVIDUALS



► **Successor Claimant – Business or Government Entity**

1. Motion must be signed by an authorized representative for and on behalf of the successor entity;
2. A notarized statement of the signing representative's authority;
3. A notarized power of attorney signed by an authorized representative of the successor entity;
4. 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
5. Documentation sufficient to establish chain of ownership or the transfer of claim from the original Owner of Record (e.g., documentation sufficient to establish the claimant's entitlement to the unclaimed funds).

# SUPPORTING DOCUMENTATION

## SUCCESSOR CLAIMANTS: BUSINESS OR GOVERNMENT ENTITY

## ► Deceased Claimant's Estate

1. 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);
2. 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
3. Documentation sufficient to establish the deceased Claimant's identity and entitlement to the funds.

**SUPPORTING DOCUMENTATION**  
SUCCESSOR CLAIMANTS: DECEASED CLAIMANT'S ESTATE

- ▶ If the Movant is Claimant's attorney or other representative, the following ADDITIONAL documentation is required:
  1. 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);
  2. A notarized power of attorney signed by the Claimant (or Claimant's authorized representative) on whose behalf the representative is acting; (notarized copy of the power of attorney is not acceptable) and
  3. Documentation sufficient to establish the Claimant's identity and entitlement to the funds, as set forth above.

## SUPPORTING DOCUMENTATION

SUCCESSOR CLAIMANTS: IF MOVANT IS NOT THE CLAIMANT

- ▶ Remember, the AO 213P and documents containing sensitive Personally Identifiable Information go directly to the Court for review.
- ▶ Send to:
- ▶ [tnmbml\\_financial@tnmb.uscourts.gov](mailto:tnmbml_financial@tnmb.uscourts.gov)

## SUPPORTING DOCUMENTATION

WHAT HAPPENS NEXT?



- ▶ Upon reviewing a properly filed Motion to Withdraw Unclaimed Funds and the supporting documentation, the Court will enter its own Order Establishing Procedures. This Order will set deadlines for the interested parties to object. If no objections are filed the Motion will often be granted without the need for a hearing.
- ▶ Sometimes the Court will address concerns with documentation in the Order Establishing Procedures that the Movant/Claimant will need to address before the Motion can be granted.
- ▶ Sometimes the Court will Deny the Motion to Withdraw Unclaimed funds instead of entering a Order Establishing Procedures. This is often done when the Motion does not comply with the rules or lacks supporting documentation.

## ORDER ESTABLISHING PROCEDURES REGARDING MOTION TO WITHDRAW UNCLAIMED FUNDS

After a Motion to Withdraw Unclaimed Funds is granted and the Order has become final, the Clerk will process the forms to have the U.S. Treasury pay the funds to the Claimant by check or electronic funds transfer, depending on what forms were provided. The timeframe for payment varies based upon workflow at the U.S. Treasury.

## PAYMENT OF FUNDS