

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA

REQUIREMENTS FOR UNCLAIMED FUNDS

1020.50 Claims for Unclaimed Funds

(A) 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 the right thereto, obtain an order directing payment to him."

(B) To process the claim, the court must determine who is requesting the funds.

(1) Owners of Record: the person shown in the court's records as the owner of the funds.

(2) Successor Claimants: business successors, decedent'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 funds locators who act on behalf of owners of record/successor claimants.

(C) Owners of Record

When a claimant contacts a court to request unclaimed funds as owner of record, the claimant must submit an application and order to the court requesting the release of the funds. 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;

The name, address and telephone number of the claimant;

The social security or tax identification number of the claimant; and

Any additional information that the court requires.

(D) Successor Claimants

(1) Successor Businesses

When a successor business claimant petitions the court for release of unclaimed funds, the 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.

(2) 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 identify of the owner of record;
Proof of identify of the successor claimant; and
Documentation evidencing the transfer of claim.

(3) 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 identify 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.

(E) Claimant Representatives (i.e., funds locators):

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 identify of the owner of record, as required under subsection (c) above;
A notarized, original power of attorney signed by the claimant on whose behalf the representative is acting;
Proof of identify of the representative; and
Documentation sufficient to establish the claimant's entitlement to the funds.

(F) Proof of notice to the U.S. attorney must be provided to the court before any request for payment is approved. All applications must be served to the US Attorney at:

United States Attorney, 880 Front Street, Suite 6293, San Diego, CA 92101

A proof of service must be submitted to the Court with the application.