

UNITED STATES BANKRUPTCY COURT, NORTHERN DISTRICT OF CALIFORNIA
Instructions for Submitting an Application for Unclaimed Dividends

Every application for unclaimed dividends must include a copy of the Trustee's Notice of Unclaimed Dividends. The Trustee's Notice is available from the court where the case was filed.

Any Trustee's Notice of Unclaimed Dividends **filed after January 2005**, is available from the court's electronic docket for a modest fee. Please contact the division where the notice was filed for a copy of the notice. Provide the court with the case number, debtor's name and tell them that you want a copy of the Trustee's Notice of Unclaimed Dividends. All of the bankruptcy court divisional offices have terminals available for public use. You can access a notice filed after January 2005 and have it printed for a modest fee. PACER (Public Access to Court Electronic Records) is also available for access to post January 2005 notices. Information on PACER is available at the court's website, www.canb.uscourts.gov. Click on the Case Information tab and look for the link to PACER.

Any Trustee's Notice of Unclaimed Dividends, **filed before January 2005**, is only available in the court's paper files. To get a copy of the notice, submit a written request which includes the case number, name of the creditor and the debtor's name. Be sure to include your name, address and **telephone number** and a stamped self addressed envelope which will be used to send the notice to you. If you are an individual, you must include a \$26.00 **money order or cashier's check**, made payable to the Clerk of the Court. If you are a business or an attorney, a business check will be accepted. Send your request to the address listed at the bottom of these instructions. Please do not submit an application along with the \$26.00 search fee. If you submit an Application for Unclaimed Funds without a copy of the Trustee's Notice, your application will be considered deficient.

To expedite processing of applications for unclaimed funds, please be sure to submit all requested documents and any other documents that support your application for the funds.

Individual Creditors

- A completed application and affidavit of Service Form
- A Limited Power of Attorney
- A completed Order
- A Copy of the Trustee's Notice(s) of Unclaimed Dividends

The Limited Power of Attorney **MUST** include the following:

- Debtor's name
- Case number
- Dollar amount to be collected
- The creditor/claimant's signature and their name typed or printed
- Date document was signed.
- The Limited Power of Attorney must be notarized.

Include legible copies of documentation, that support the creditor receiving mail at the **address indicated in the Trustee's Notice of Unclaimed Dividends**. Documents may include a copy of the "FILED" stamped proof of claim, correspondence from the court, a copy of the original, uncashed check, a copy of a utility bill, pay stub, signed tax return, etc. A photocopy of a driver license or other government issued picture identification.

Include legible copies of documentation, that support the creditor receiving mail at his or her **current address**. Documents may include a copy of the "FILED" stamped proof of claim, correspondence from the court, a copy of the original, a copy of the original uncashed check, a copy of a utility bill, pay stub, signed tax return, driver license or other government issued picture identification.

If the claimant's name or address is **misspelled** on the Trustee's Notice of Unclaimed Dividends, please provide a document that briefly states the misspelling and the correct spelling of the claimant's name. End the document with a penalty of perjury statement (*I certify, under the penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct.*). The **claimant** must and sign and date the document.

Creditor Companies

- A completed Order
- A completed Application and Certificate of Service Form
- A Copy of the Trustee's Notice(s) of Unclaimed Dividends
- A Limited Power of Attorney

The Limited Power of Attorney (LPOA) **MUST** include the following:

- Debtor's name
- Case number
- Dollar amount to be collected
- The creditor/claimant's signature and their name typed or printed
- Date document was signed
- The Corporate Seal should be affixed to the LPOA if it is available
- The Limited Power of Attorney must be notarized.

Include legible copies of documentation, that support the creditor receiving mail at the **address indicated in the Trustee's Notice of Unclaimed Dividends**. Documents may include a copy of the "FILED" stamped proof of claim, correspondence from the court, a copy of the original uncashed check, a copy of a utility bill, signed tax return, driver license etc. Businesses may includes copies of business licenses, an original business card, invoices etc.

Include legible copies of documentation, that support the creditor receiving mail at their **current address**. Documents may include a copy of the "FILED" stamped proof of claim, correspondence from the court, a copy of an uncashed check, a copy of a utility bill, signed tax return, driver license etc. Businesses may includes copies of business licenses, an original business card, invoices etc.

Please include a current phone number for your client.

If you are a making a claim for a small business, please submit an original business card along with documents that clearly define the claimant's role, ie sole owner, partner etc.

If the person signing the LPOA is in partnership with one or more people, or is a stockholder, you must submit documents that support their authority to collect on behalf of the creditor.

Subsidiary and affiliate companies, not parent corporations, should make application for unclaimed dividends that rightfully belong to the subsidiary or affiliate. In the case of a merger of two companies, the surviving entity may make application for unclaimed dividends due one of the companies. Proper proof of the merger must be submitted. Press releases alone will not establish your claim.

If the person signing the LPOA is **not** an officer in the company, you must submit a signed and notarized document from an officer in the company that gives the LPOA signer the authority to collect funds on behalf of the company. The document must include the officer's signature, their printed name, their position in the company and their company address. Also, please include a business card from the person signing the authorization, or a copy of employer issued identification.

A declaration should be used to communicate facts or circumstances that would only be known by the creditor/claimant. The declaration must contain a penalty of perjury statement and must be signed and dated by the creditor/claimant.

You must serve (mail) a copy of the application on the Office of the United States Attorney in San Francisco. The address is on the application.

Your application must contain an original signature. Mail the application and the supporting documents to the address below.

United States Bankruptcy Court
Post Office Box 7341
San Francisco, CA 94120-7341
Attention: Toni Taylor

If your application is deficient, you will receive a **Notice of Deficient Application for Unclaimed Dividends**. You will have approximately 30 days to cure the deficiencies. If the information is not timely received by the court, you will receive a **Notice of Failure to Cure Deficiencies in an Application for Unclaimed Dividends**. When this notice is sent, the application will be deemed withdrawn and the court will take no further action. A new application must be submitted to start a new review process.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re) Case No.
)
) Chapter No.
)
)
)
Debtor(s)) Application for Unclaimed Dividends
) and Certificate of Service
_____)

I am applying for funds in the amount of \$_____ which have been paid into the court by the trustee in this case for the following creditor.

Name

Address

Last four digits of SS# or Tax ID#

Please check the appropriate box (Check only those that apply):

I am the creditor named above.

I hold an ownership interest of _____% in the creditor and my ownership interest is that of _____ (e.g. sole proprietorship, partner, stockholder). I have authority from any and all other parties holding an ownership interest in the creditor to collect funds on behalf of the creditor.

I am an employee of the creditor named above and my title is _____. I am authorized by the creditor to file this application and have attached an authorization to collect on behalf of the creditor because I am not an officer of the company or corporation.

I am the legal representative for the creditor named above. I have attached an original, notarized power of attorney which includes the case number, case name, chapter number, dollar amount of claim and the typed name, title (if applicable), address and phone number of the person who signed the power of attorney. An **original** business card is attached if the claimant is employed by the creditor. Also, an authorization to collect on behalf of the creditor is attached if the claimant is not an officer of the company or corporation.

I am a successor in interest, or its legal representative (legal representatives must attach a power of attorney as described above) and I have attached documentation which establishes my right to make this claim. Please provide a brief history of the creditor named above and attach documents that clearly establish that the unclaimed funds are included in any sale, merger, transfer or acquisition.

___ I am the heir/legal representative of the creditor who is deceased. I have attached a certified copy of the death certificate and other appropriate documents that support my right to act on behalf of the decedent's estate.

___ None of the above apply. I have attached documents that show that I am entitled to the unclaimed funds because:

I have no knowledge that any other party may be entitled to and I am not aware of any dispute regarding these funds.

On _____, I mailed a copy of this application to the U.S. Attorney for the Northern District of California, 450 Golden Gate Avenue, P.O. Box 36055, San Francisco, CA 94102.

I understand that pursuant to 18 U.S.C. Section 152, I will be fined not more than \$5,000.00, or imprisoned not more than five years, or both if I knowingly and fraudulently made any false statements in this document.

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

Signature of Creditor/Claimant

Address of Creditor/Claimant

Typed or Printed Name

Telephone Number of Creditor/Claimant

Date

E-mail Address of Creditor/Claimant

NOTARY

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In Re:)
)
) Case No.
)
) Chapter No.
)
)
 Debtor) **ORDER TO PAY UNCLAIMED FUNDS**
_____)

It appearing that the check(s) made payable to
in the total amount of \$ _____ was not cashed within the 90 day limit and an unclaimed
money report was entered on _____ to close the account and transfer the monies
to the Clerk, U. S. Bankruptcy Court, for deposit with the U.S. Treasury or the designated local depository,
and

It further appearing that _____ is now claiming the above
monies in the application attached hereto.

IT IS ORDERED that the Clerk of the Bankruptcy Court pay said sum of \$ _____ to the order
of _____ .

****End of Order****
****No Service List Requested****