



## **Instructions for Filing Application for Payment of Unclaimed Funds**

Unclaimed funds are held by the court for an individual or entity who is entitled to the money but who has failed to claim ownership of it. The United States Courts, as custodians of such funds, have established policies and procedures for holding, safeguarding, and accounting for the funds.

### **I. Searching Unclaimed Funds**

[To search unclaimed funds, use the Unclaimed Funds Locator at https:// ucf.uscourts.gov/.](https://ucf.uscourts.gov/) Select **VIB- Virgin Islands Bankruptcy Court** from the dropdown list and enter the applicable search criteria. If you need access to a computer to perform the search, you may use the court's public computer terminal(s) located in the St. Thomas/St. John division at the Ron de Lugo Federal Building and Courthouse or the St. Croix division at the Almeric L. Christian Federal Building and Courthouse. Additionally, you may contact the Clerk's office at (340) 774-0640 in St. Thomas or (340) 718-1130 in St. Croix to verify unclaimed funds balances.

### **II. Filing Requirements for Payment of Unclaimed Funds**

#### **a. Application for Payment of Unclaimed Funds**

Any party who seeks the payment of unclaimed funds must file an Application for Payment of Unclaimed Funds in substantial conformance with the court's standards application form and serve a copy of the application on the United States Attorney for the District of the Virgin Islands. For purposes of this procedure, the "Applicant" is the party filing the application, and the "Claimant" is the party entitled to the unclaimed funds. The Applicant and Claimant may be the same. the application, and the "Claimant" is the party entitled to the unclaimed funds. The Applicant and Claimant may be the same.

#### **b. Supporting Documentation**

##### **1. Payee Information**

Funds are payable to the Claimant. In conjunction with the Application for Payment of Unclaimed Funds, Claimant's tax identification number (TIN) must be provided to the court on a certification form signed by the Claimant to whom funds are being distributed.

**A. Domestic Claimant**

A Claimant who is a U.S. person<sup>1</sup> must use either the [AO 213](#) or W-9 certification form (accessible by searching on the Internal Revenue Service (IRS) website at: <https://www.irs.gov/>).

If a Claimant wants payment via Electronic Funds Transfer (EFT), then the [AO 213](#) form must be used.

**B. Foreign Claimant**

A foreign Claimant must use a W-8 certification form (accessible by searching on the IRS website at: <https://www.irs.gov/>) accompanied by the [AO 215](#) form.

If you have problems completing a form, please contact the Clerk's office at: (340) 774-0640 in St. Thomas or (340) 718-1130 in St. Croix.

**2. Additional Supporting Documentation**

Requirements for additional supporting documentation vary depending on the type of Claimant and whether the Claimant is represented. Please read the instructions below to identify what must accompany your Application for Payment of Unclaimed Funds.

Sufficient documentation must be provided to the court to establish the Claimant's identity and entitlement to the funds. Proof of identity must be provided in unredacted form with a current address. If there are joint Claimants, then supporting documentation must be provided for both Claimants.

**A. Owner of Record**

The Owner of Record is the original payee entitled to the funds appearing on the records of the court. If the Claimant is the Owner of Record, the following additional documentation is required:

**i. Owner of Record - Individual**

- a. 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
- b. A notarized signature of the Owner of Record (incorporated in application).

**ii. Owner of Record - Business or Government Entity**

- a. Application must be signed by an authorized representative for and on behalf of the business or government entity;
- b. A notarized statement of the signing representative's authority; and 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).

<sup>1</sup> "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

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.

**B. Successor Claimant**

A successor Claimant may be entitled to the unclaimed funds as a result of assignment, purchase, merger, acquisition, succession or by other means. If the Claimant is a successor to the original Owner of Record, the following documentation is required:

**i. Successor Claimant - Individual**

- a. 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);
- b. A notarized signature of the successor Claimant (incorporated in application); and
- c. Documentation sufficient to establish chain of ownership or the transfer of claim from the original Owner of Record.

**ii. Successor Claimant – Business or Government Entity**

- a. Application must be signed by an authorized representative for and on behalf of the successor entity;
- b. A notarized statement of the signing representative's authority;
- c. A notarized power of attorney signed by an authorized representative of the successor entity;
- d. 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
- e. Documentation sufficient to establish chain of ownership or the transfer of claim from the original Owner of Record.

**iii. Deceased Claimant's Estate**

- a. 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);
- b. 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
- c. Documentation sufficient to establish the deceased Claimant's identity and entitlement to the funds.

**C. Claimant Representative**

If the Applicant is Claimant's attorney or other representative, the following documentation is required:

- i. 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);

- ii. A notarized power of attorney signed by the Claimant (or Claimant's authorized representative) on whose behalf the representative is acting; and
- iii. Documentation sufficient to establish the Claimant's identity and entitlement to the funds, as set forth above.

**D. Proposed Order**

Applicants are required to provide the court with a proposed Order for Granting Application for Payment of Unclaimed Funds.

**E. Filing the Application**

Request for Unclaimed Funds should be filed electronically by attorneys. Debtors and creditors without attorney representation may file requests either by visiting the Clerk's Office or mailing requests to the address found below:

**District of the Virgin Islands Bankruptcy Division  
Ron de Lugo Federal Building and Courthouse  
5500 Veteran's Drive, Rm 310  
St. Thomas, VI 00802**

**III. Links**

[AO 213 Request for Vendor Information and TIN Certification](#)  
[AO 215 Request to Determine Foreign Vendor Tax Payments](#)

W-9 (accessible by searching on the IRS website at: <https://www.irs.gov/>)

W-8 (accessible by searching on the IRS website at: <https://www.irs.gov/>)