

D.N.J. LBR 3011-1. Unclaimed Funds in Cases Under Chapter 7, Subchapter V of Chapter 11, Chapter 12, or Chapter 13

(a) Deposit. A trustee must file Local Form *Notice Depositing Unclaimed Funds Pursuant to D.N.J. LBR 3011-1* to deposit unclaimed funds into the court's registry without court order.

(b) Payment of unclaimed funds.

(1) All claimants must use Local Form *Application for Payment of Unclaimed Funds*.

(2) A claimant must be:

(A) the Owner of Record (original payee) or its legal successor; or

(B) the Owner of Record's assignee or its legal successor.

(3) The application must include the supporting documentation identified in the Instructions for Filing an Application for Payment of Unclaimed Funds. The court may, in its discretion, request supplemental documentation or additional information from a claimant and conduct a hearing to verify entitlement to the funds.

(4) The application must be served on the United States Attorney for the District of New Jersey and Local Form *Certification of Service* must be filed.

(5) The application must include Local Form *Order Granting Application for Payment of Unclaimed Funds*.

(c) Objection. An objection to the application must be filed and served within 21 days after filing the application. The court may conduct a hearing on the objection in its discretion.

2024 Comment

This Rule is modified to assist the court in preventing fraud. The Rule now expressly permits the court to request additional information from a claimant and to require appearances at a hearing on any application.

2020 Comment

The title of this Rule is amended to include Subchapter V of Chapter 11 due to the enactment of the Small Business Reorganization Act of 2019.

This Rule is amended to conform with the adoption of Director's Form 1340 (to be effective December 1, 2019) by the Judicial Conference of the United States.

If an objection is timely filed in accordance with subsection (c) the court will schedule a hearing.

In a closed case, no motion to reopen is required and no reopening fee will be charged.

2015 Comment

Section 2041 of title 28 governs deposit of funds in pending or adjudicated cases, and section 2042 governs withdrawal of funds deposited in court.

This Rule applies only to unclaimed distributions deposited into court by a trustee under § 347(a) of the Code. All other funds deposited into court are governed by Local Bankruptcy Rule [7067-1](#). In a closed case, the chief bankruptcy judge will hear the motion for withdrawal.