



Frequently Asked Questions about Unclaimed Funds in the United States Bankruptcy Court for the Eastern District of Louisiana

General Information

What are unclaimed funds?

Unclaimed funds are funds held by the court for an owner who is entitled to the money, but has failed to claim ownership of it.

Why are there unclaimed funds in the Bankruptcy Court?

As part of administering a bankruptcy case, the trustee in a Chapter 7, 12, or 13 case may disburse funds to creditors (if funds are available). Most unclaimed funds arise in bankruptcy cases when the checks mailed by the trustee to the creditors are not cashed. Under the Bankruptcy Code, the trustee must stop payment on any check that remains unpaid 90 days after final distribution in the case. The unclaimed funds are turned over to the court to hold for the benefit of the creditor.

The United States Bankruptcy Courts have policies and procedures for holding, safeguarding, and accounting for the funds for the benefit of the owners.

Why would a creditor not cash the check?

This could happen for a variety of reasons, including faulty or incomplete address information.

Will an owner ever lose the right to the unclaimed funds?

No. The Bankruptcy Court is the custodian of the property and, with sufficient proof of ownership, anyone can reclaim their property.

Is there a deadline for me to file my motion for payment of unclaimed funds?

No. There is no time limit.

Are the unclaimed funds listed on the Bankruptcy Court’s website the same as the unclaimed funds listed on the State of Louisiana’s website?

No. The Bankruptcy Courts are courts of the United States of America and are not part of the state system. The unclaimed funds listed on our website arose during proceedings in the Bankruptcy Court.

Searching for Unclaimed Funds

How do I find out if I have any unclaimed funds listed in my name?

You have two options:

- (1) The unclaimed funds list is posted on the court’s website at www.laeb.uscourts.gov.
- (2) Printed copies of the unclaimed funds list are available for viewing at our offices at 500 Poydras Street, Suite B-601, New Orleans, Louisiana. The list may also be viewed on computers in our office.

How do I search for unclaimed funds?

- (1) If you are looking at the list on the court’s website, the list is in a searchable, PDF-format. Search for a particular word or words you want to find as follows:
 - At the top left of the computer screen, click on “Edit” and then click on “Find.” (Alternatively, you can press Control + F.)
 - Type in the word(s) you want to find and press Enter. Searching starts at the present position of the cursor, and searches towards the end of the document. You can navigate through your search matches by pressing Enter or the “Next” or “Previous” buttons.
- (2) The printed copies available in the Clerk’s Office are arranged in alphabetical order by the claimant’s name.

I found my name on the unclaimed funds list. What do I do now?

Please make a note of all of the information on the list because you will need it to file your documents. You must file a “Motion for Payment of Unclaimed Funds,” along with a certificate of service and a draft order. The required forms, with instructions, are on our website: www.laeb.uscourts.gov. Samples are also available in our offices at 500 Poydras Street, Suite B-601, New Orleans.

Procedures for Claiming the Unclaimed Funds

What is a claimant?

A claimant is the person who is asserting the right to have the unclaimed funds.

What is a motion?

A motion is an application requesting a court to make a specific ruling or order in a case.

What is a certificate of service and who files it?

A certificate of service is a document filed with the court by the claimant in which the claimant certifies that a copy of the motion has been sent to the appropriate party. In this situation, the claimant must provide a copy of the motion for payment of unclaimed funds to the United States Attorney for the Eastern District of Louisiana.

What is an order?

An order is a written direction or command that is signed by the judge. A court order is required before the Clerk’s Office may distribute unclaimed funds.

Proving Entitlement to the Unclaimed Funds

How do I prove that I am entitled to the funds?

Along with the motion for payment of unclaimed funds, the claimant must provide the court with a copy of the claimant’s driver’s license or other

government-issued identification containing the claimant's photograph and current address and a copy of the claimant's social security card. If the claimant has moved since the original distribution, the claimant must also provide documentation that the claimant lived at the original address at the time that the distribution was made.

What if all of my papers showing my former address are lost or destroyed?

We have found that the utility companies are helpful in providing proof of residence at the former address. The claimant may contact his/her electric or telephone provider and request a copy of an old bill or a letter with the claimant's previous address and dates of service.

What if the claimant has died?

The heir or representative of the heir may file the motion for payment of unclaimed funds. The supporting documentation must include: (1) the death certificate and (2) a Judgment of Possession if a succession was opened, or an Affidavit of Heirship if no succession was opened.

What if the unclaimed funds are owed to more than one party, for example, a husband and wife?

If the amount was originally deposited in the name of multiple parties, the motion for payment of unclaimed funds must include all of the same parties. The Clerk's Office will issue any checks in the name of all of the parties listed on the original deposit. The only exception is if good cause is shown, such as a death or consent by the party not included in the motion or check.

What if my name has changed since the funds were originally deposited into the unclaimed funds account?

The claimant must provide documentation with the previous name, such as a cancelled driver's license.

Final Questions

These procedures seem cumbersome. Is it really necessary for me to do all of this?

Yes. The court wants to make sure that the unclaimed fund monies are paid to the correct individuals or organizations. We have tried to make the process as easy as possible to assist claimants in receiving the unclaimed funds.

How long will it take to process the motion for payment of unclaimed funds?

We anticipate a large volume of inquiries in response to our posting of the unclaimed funds list on the website. We ask everyone to be patient, particularly in the first several months after the list is posted on our website. It may take several months after the filing of a motion for payment of unclaimed funds before a check is received.

I am listed as being owed unclaimed funds, but I do not claim the money (because I have already been paid, I have already written off the account, etc.) What do I do?

Please notify the Clerk's Office. The notification may be as simple as sending a letter, with a signature that clearly shows the authority of the person signing. The Court will then be able to review the record, and depending on the circumstances, redistribute the money.

Is there someone I can talk to if I have any questions?

You may contact the Clerk's Office at (504) 589-7878.

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