

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA

IN THE MATTER OF:)
)
LOCAL RULES OF PRACTICE)
)

ORDER AMENDING LOCAL BANKRUPTCY RULES

Notice of proposed amendments to the local rules of this court was given to the bar and the public on January 6, 2021. The last date for submitting comments concerning the proposed amendments was February 6, 2021, and the court has considered all comments received. Effective June 11, 2021, the local rules of the court are amended as follows:

Local Bankruptcy Rule B-3011-1, Payment of Unclaimed Funds, and its accompanying form and instruction, are adopted and the rule now reads:

B-3011-1
Payment of Unclaimed Funds

- (a) A request for the payment of unclaimed funds, which have been deposited with the court pursuant to 11 U.S.C. § 347(a), Fed. R. Bankr. P. 3010 or Fed. R. Bankr. P. 3011, must be made through an attorney who is a member of the bar of this court, unless the entity entitled to receive payment is a natural person making the request on its own behalf and not as an agent or other representative of the claimant. This request shall be made using the court's local form: LBF-3011-1, Application for Payment of Unclaimed Funds.
- (b) The application shall be accompanied by an affidavit, together with any appropriate supporting documentation, executed by the claimant demonstrating the claimant's present entitlement to the funds. If the claimant is the entity for whose benefit the funds were originally deposited, the affidavit shall contain a statement to the effect that the right to payment has not, in any way, been transferred or assigned to any other entity.
- (c) If the claimant is not a natural person, the affidavit required by paragraph (b) shall be executed by an officer, director, general partner, or other individual authorized to do so and shall be accompanied by proof that the individual executing the affidavit has been authorized to do so on behalf of the claimant and of the capacity in which the individual acts.
- (d) The clerk will serve notice of the application upon the United States Attorney, in the manner required by Fed. R. Bankr. P. 7004. If the claimant is not the entity for whose benefit the funds were originally deposited (Owner of Record), the clerk shall also serve notice of the application upon that entity.

(e) In the absence of an objection or other response from the United States Attorney, or Owner of Record, if applicable, within thirty (30) days of the date the application is filed, the court may determine the application, without further notice or hearing.

(f) The failure to comply with the requirements of this rule may result in the request being denied.

SO ORDERED.

Dated: May 28, 2021

/s/ Robert E. Grant
Robert E. Grant, Chief Judge
United States Bankruptcy Court

/s/ Harry C. Dees
Harry C. Dees, Jr., Judge
United States Bankruptcy Court

/s/ James R. Ahler
James R. Ahler, Judge
United States Bankruptcy Court

/s/ Kent Lindquist
Kent Lindquist, Judge
United States Bankruptcy Court