

JUL 30 1990

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA

WESTERN DISTRICT OF NC
By WLT DEPUTY

In re:)
)
) ORDER ESTABLISHING PROCEDURE
Matters of Practice and) FOR THE PAYMENT OF UNCLAIMED
Procedure Before the Court) FUNDS PURSUANT TO 28 USC
) SECTION 2042
)
)

The Court having considered this matter and it appearing that 28 USC Section 2042 does provide that any money deposited into any court of the United States in any case pending or adjudicated in such court shall not be withdrawn except by order of court, and it further appearing that the provisions of Section 2042 do apply to the disbursement of unclaimed funds in bankruptcy cases initially paid into the court pursuant to 11 USC Section 347(a),

And the Court concluding that certain procedures should be established governing all pending and future requests for the disbursement of such funds from cases adjudicated in this Court,

Based upon the foregoing, IT IS HEREBY ORDERED that all pending and future requests for the disbursement of unclaimed bankruptcy funds, and the actual disbursement of such funds, shall comply with the following:

1. Each request for the disbursement of unclaimed funds shall be verified in writing and filed with the Clerk of Court.
2. The requestor shall serve written notice of the filing of the request on the United States Attorney, the Bankruptcy Administrator, and the case trustee. The notice shall further advise said parties that they have fifteen (15) days following service of the notice to object to or otherwise respond to the request and ask for a hearing before the Court. The notice and a written certificate of service shall be filed with the Clerk of Court within three (3) days following service as required herein.

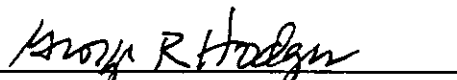
(2)

3. The requestor shall provide full written proof of entitlement to the funds in question. When the requestor is someone other than the person to whom the funds were adjudicated to belong, proof of authority to act on behalf of the owner of the funds must be provided. If the proof of authority is to be established by a power of attorney executed by the owner of the funds, the instrument must conform to applicable state law. Should the Clerk of Court require any additional proof of entitlement to the funds, he may, in the reasonable exercise of his discretion, contact the owner of the funds directly for such information.
4. Once the Clerk of Court has determined that the requestor is entitled to payment of the funds in question, he shall so advise the Court and request entry of an order directing him to authorize the disbursement as soon as possible thereafter. When the requestor is someone other than the person to whom the funds were adjudicated to belong, the Clerk shall authorize the payment to be made jointly to the requestor and the adjudicated owner.

Dated this the 27th day of July, 1990.



Marvin R. Wooten
Bankruptcy Judge



George R. Hodges
Bankruptcy Judge