

## UNCLAIMED FUNDS

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Dated: August 5, 2024

Unclaimed funds are held by the Court for an individual or entity that is entitled to the money but has failed to claim it. The Court, as custodian of the funds, has established policies and procedures for holding, safeguarding, and accounting for such funds.

### SEARCHING UNCLAIMED FUNDS

To search unclaimed funds, use the [Unclaimed Funds Locator](https://www.sdb.uscourts.gov) on the Court's website at <https://www.sdb.uscourts.gov>. Select "SDB - South Dakota" from the dropdown list and enter the applicable search criteria. Additionally, you may contact the Clerk's office in Sioux Falls at (605) 357-2400 or in Pierre at (605) 945-4460 to verify unclaimed funds balances.

### INFORMATION RE: FILING A MOTION FOR PAYMENT OF UNCLAIMED FUNDS

- ☐ Attorneys must file documents electronically. The filing attorney must be a member of the federal bar of the District of South Dakota or have been admitted pro hac vice.
- ☐ A business entity may, through an authorized agent, file an application for payment of unclaimed funds. The business entity is not required to have an attorney prepare or file its application. However, if an attorney files the business entity's application, it must be filed electronically.
- ☐ An individual party not represented by an attorney may mail or deliver original documents to the Clerk's office in Sioux Falls or Pierre for filing.
- ☐ Separate applications must be filed in each case in which the claimant is requesting the payment of unclaimed funds.
- ☐ An application for payment of unclaimed funds may be filed in a closed case.

### BANKR. D.S.D. R. 3011-1

Rule 3011-1 of the [local bankruptcy rules](#) sets forth the documents the claimant needs to file, how the documents should be filed, and the service requirements.

### FILING THE APPLICATION

The application and the supporting documentation must be filed electronically if filed by an attorney. Please review **A. Electronic Filing by Attorney Filer** if you are an attorney filer or **B. Electronic Filing by Limited Filer** if you are a limited filer.

#### A. Electronic Filing by Attorney Filer

To electronically file the application for payment of unclaimed funds and the supporting documents (do not include the required identifying information set forth in Bankr. D.S.D. R. 3011-1(d) in this PDF), go to:

- Bankruptcy
- Motions/Applications
- Enter the Case Number
- Select the event "Payment of Unclaimed Funds"
- Select the applicant from the list of parties or "Add/Create New Party"
- Browse for the PDF of the application and the supporting documents.

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To file the required identifying information, go to:

Bankruptcy

Other

Enter the Case Number

Select the event "Unclaimed Funds Identifying Information"

Browse for the PDF of the identifying information required by Bankr. D.S.D. R. 3011-1(d).

Select the applicant from the list of parties.

The application for payment of unclaimed funds, the supporting documents, and the required identifying information must be served on the United States Attorney for the District of South Dakota at Post Office Box 2638, Sioux Falls, SD 57101-2638, and a certificate of service must be filed with the Bankruptcy Clerk's office.

To file the certificate of service, go to:

Bankruptcy

Other

Enter the Case Number

Select the event "Certificate of Service"

Browse for the PDF of the certificate of service

Select the applicant from the list of parties

Select the categories "misc" and "motion"

Select the docket entries for both the application for payment of unclaimed funds and the unclaimed funds identifying information.

Select "No" in answer to the prompt, "Are you forwarding returned mail pursuant to Bankr. D.S.D. R. 2002-4?"

### **B. Electronic Filing by Limited Filer**

To electronically file the application for payment of unclaimed funds and the supporting documents (do not include the required identifying information set forth in Bankr. D.S.D. R. 3011-1(d) in this PDF), go to:

Bankruptcy

Limited Filer Events

Enter the Case Number

Select the event "Application for Payment of Unclaimed Funds"

If you are an attorney limited filer, select your name from the list

Select the applicant from the list of parties or "Add/Create New Party"

If you Add/Create a New Party, change the Role to "Creditor (cr:cr)"

Browse for the PDF of the application and the supporting documents.

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To file the required identifying information, go to:

Bankruptcy  
Limited Filer Events  
Enter the Case Number  
Select the event "Unclaimed Funds Identifying Information"  
If you are an attorney limited filer, select your name from the list  
Select the applicant from the list of parties  
Browse for the PDF of the identifying information required by Bankr. D.S.D. R. 3011-1(d).

The application for payment of unclaimed funds, the supporting documents, and the required identifying information must be served on the United States Attorney for the District of South Dakota at Post Office Box 2638, Sioux Falls, SD 57101-2638, and a certificate of service must be filed with the Bankruptcy Clerk's office.

To file the certificate of service, go to:

Bankruptcy  
Limited Filer Events  
Enter the Case Number  
Select the event "Certificate of Service"  
If you are an attorney limited filer, select your name from the list  
Select the applicant from the list of parties  
Browse for the PDF of the certificate of service  
Select the categories "misc" and "motion"  
Select the docket entries for both the application for payment of unclaimed funds and the unclaimed funds identifying information.  
Select "No" in answer to the prompt, "Are you forwarding returned mail pursuant to Bankr. D.S.D. R. 2002-4?"

### **C. Documents Mailed to Clerk's Office**

An individual not represented by an attorney may mail or deliver original documents to the Clerk's office at 400 South Phillips Avenue, Room 104, Sioux Falls, SD 57104, or 225 South Pierre Street, Room 203, Pierre, SD 57501, and must serve the documents on the United States Attorney for the District of South Dakota at Post Office Box 2638, Sioux Falls, SD 57101-2638, and file a certificate of service with the Bankruptcy Clerk's office.

### **COURT REVIEW**

After the application and the supporting documents are filed, the Court will review and enter an order that sets a last date for objections that is 24 days after service of the order. After the time for filing objections has expired, the Court will review and rule on the application.