# Mont. LBF 40. MOTION FOR WITHDRAWAL OF UNCLAIMED FUNDS; AND NOTICE.

# [Fed. R. Bankr. P. 3011]

Name of Attorney

Office Mailing Address

Telephone Number

Facsimile Number

E-Mail Address

State Bar I.D. Number

(Attorney for \_\_\_\_\_\_\_\_\_)

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF MONTANA

|  |  |
| --- | --- |
| IN RE:    ,  ,    Debtors. | Case No.  **MOTION FOR WITHDRAWAL OF UNCLAIMED FUNDS; AND NOTICE** |

The undersigned, under penalty of perjury, represents and declares that the following statements and information are true and correct, and respectfully moves the Court for an order of withdrawal pursuant to Mont. LBR 3011-1 as follows:

1. I move the Court for an order authorizing the Clerk of the Bankruptcy Court to disburse unclaimed funds in the amount of $\_\_\_\_\_\_\_\_\_\_\_\_, which is the sum remitted to the Court by the trustee on the following date(s): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, on behalf of the person described in paragraph 2 below.
2. Person entitled to disbursement: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Tax Identification Number:

1. I have made a sufficient inquiry and have no knowledge: (a) that the claim has been previously paid; (b) that any other motion for withdrawal of unclaimed funds is currently pending; (c) that any person other than the person identified in paragraph 2 is entitled to submit a motion for withdrawal of the subject funds; and (d) that any person other than the person identified in paragraph 2 is entitled to disbursement.
2. I understand and acknowledge that pursuant to 18 U.S.C. § 152, I may be imprisoned up to 5 years and fined not more than $250,000, or both, if I have knowingly and fraudulently made any false statements or representations in this motion.

Wherefore, movant moves the Court for an order granting this motion for withdrawal of unclaimed funds and authorizing the Clerk of the Bankruptcy Court to disburse the amount stated above to the person designated in paragraph 2 above.

DATED this \_\_\_\_ day of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

|  |  |
| --- | --- |
| Signature of Movant |  |
| Type or Print Movant’s Name |  |
| Name of Movant’s Company |  |
| Movant’s Address | \_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Movant’s Phone Number |  |
| Movant’s E-Mail |  |

NOTICE OF OPPORTUNITY TO RESPOND

AND REQUEST A HEARING

If you object to the motion, you must file a written responsive pleading and request a hearing within fourteen (14) days of the date of the motion. The responding party shall schedule the hearing on the motion at least twenty-one (21) days after the date of the response and request for hearing and shall include in the caption of the responsive pleading in bold and conspicuous print the date, time and location of the hearing by inserting in the caption the following:

**NOTICE OF HEARING**

**Date:**

**Time:**

**Location:**

If no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

DATED this \_\_\_\_ day of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Name of attorney]

(Attorney for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify under penalty of perjury that on the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, a copy of the foregoing was served by electronic means pursuant to LBR 9013-1(d)(2) on the parties noted in the Court’s ECF transmission facilities and/or by mail on the following parties:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed “under penalty of perjury” and by identifying the document served.]