

CURRENT RULE	PROPOSED AMENDMENT
<p align="center">LBR 3011-1. Unclaimed Funds</p>	<p align="center">LBR 3011-1. Unclaimed Funds</p>
<p>(a) Form of Application. A party seeking a disbursement of unclaimed funds that have been deposited with the clerk must file an application substantially conforming to the local form (Application for Unclaimed Funds).</p> <p>(b) Proof of Entitlement.</p> <p>(1) Application by Claimant.</p> <p>(A) Individual Claimant. An application by a claimant who is an individual must be accompanied by a copy of a valid photo identification issued by a government agency, such as a driver's license or a passport.</p> <p>(B) Artificial Entity. An application by a claimant that is a corporation, partnership, limited liability company, or other artificial entity must be accompanied by documentation showing authority to make the application, such as articles of incorporation, board meeting minutes, or other documentation.</p> <p>(2) Application by Legal Representative. An application by a claimant's legal representative, including a funds locator, must be accompanied by an original, notarized power of attorney that clearly authorizes the representative to act on behalf of the claimant. If the claimant is deceased, an application must be accompanied by a certified copy of a letter of administration, probated will, or other document that clearly authorizes the representative to file the application on behalf of the claimant's estate.</p> <p>(3) Application by Successor in Interest. An application by a party asserted to be the successor in interest to the original claimant must be accompanied by documentation that clearly establishes a right to payment of the unclaimed funds.</p> <p>(4) Address. The application must state the claimant's address at the time the claim was made and provide either documentation identifying the claimant as having resided or conducted business at that address at the time, or a declaration to that effect.</p>	<p>(a) Form of Application. A party seeking a disbursement of unclaimed funds that have been deposited with the clerk must file an application substantially conforming to the local form (Application for Unclaimed Funds). The application and supporting documentation must be submitted on paper for filing with the court.</p> <p>(b) Supporting Documentation.</p> <p>(1) Application by Owner of Record (Original Payee). The person to whom the unclaimed funds were payable according to the court's records when they were deposited with the clerk is the "Owner of Record." The party filing the application is the "applicant."</p> <p>(A) Individual Owner of Record. If the applicant is an individual who is the Owner of Record and whose name has changed since the funds were deposited with the court, the applicant must submit documentation of the name change.</p> <p>(B) Non-Individual Owner of Record. If the applicant is a corporation, partnership, limited liability company, or other business or governmental entity that is the Owner of Record, the applicant must submit documentation showing that the individual signing the application has authority to do so on behalf of the applicant, such as articles of incorporation, board meeting minutes, or other documentation.</p> <p>(2) Application by Successor to Owner of Record.</p> <p>(A) Successor to Individual Owner of Record.</p> <p>(i) Assignment. If the applicant is the assignee of an Owner of Record, the applicant must submit a copy of the assignment containing the notarized signature of the assignor.</p> <p>(ii) Deceased Owner's Estate. If the applicant is a personal representative of a deceased Owner of Record's estate, the applicant must submit a certified copy of a letter of administration or other document authorizing the representative to file the application on behalf of the decedent's estate.</p>

(c) Competing Applications. If there are competing applications for the same unclaimed funds, payment will be made to the original claimant over a representative asserting to be the claimant's legal representative. If there is more than one party claiming to be the claimant's legal representative, the earliest application will be given priority, unless the court orders otherwise.

(d) Service on United States Attorney. An additional copy of the application for unclaimed funds must be sent to the Office of the United States Attorney, District of Hawaii. The application for unclaimed funds filed with the court must include a signed certificate of service showing that the application with any supporting documentation was served on the United States Attorney. The certificate should also include any other parties served.

(e) Payment. If the application is made by the claimant's legal representative, the clerk will make the check payable to the claimant but will send the payment to the applicant's address.

(B) Successor to Non-Individual Owner of Record. If the applicant is a successor in interest to a corporation, partnership, limited liability company, or other business or governmental entity that is the Owner of Record, the applicant must submit documentation of the transfer, assignment, purchase, merger, acquisition, or succession by other means, together with documentation showing authority for the signing representative to file the application on behalf of the applicant.

(C) Signatures. In addition to the notarized signatures required on the application form, the individual signing the application must provide a copy of a valid photo identification issued by a government agency, such as a driver's license or a passport.

(D) Taxpayer Information. The applicant must provide a W-9 or alternate form that provides the applicant's taxpayer information.

(E) Privacy Protection. The clerk shall file under seal the supporting documentation to restrict public access to any personally identifiable information protected by statute, regulation, or rule.

(c) Competing Applications. If there are competing applications for the same unclaimed funds, the court will usually make payment to the Owner of Record rather than to an applicant who claims to be a successor in interest or representative of the Owner of Record. If more than one applicant claims to be the Owner of Record's legal representative, the earliest application generally will be given priority. The court may request further documentation or schedule a hearing in these situations.

(d) Service on United States Attorney. The applicant must serve a copy of the application on the Office of the United States Attorney, District of Hawaii, and must file a signed certificate of service showing that the application with any supporting documentation was served on the United States Attorney. The certificate should also include any other parties served.

LBR 3015-1. Amendment of Plan Before Confirmation	LBR 3015-1. Amendment of Plan Before Confirmation
<p data-bbox="109 149 703 178">(a) Amendment of Plan Before Confirmation.</p> <p data-bbox="109 227 1018 414">(1) Amended Plan. The debtor may file an amended chapter 13 plan any time before confirmation by filing and serving on all creditors a plan substantially conforming to the local form plan (Chapter 13 Plan). The debtor must check the box labeled "Amended" and indicate the date of the plan on the first page.</p> <p data-bbox="109 462 1018 568">(2) Plan Motions. If the terms of an amended plan are inconsistent with any plan motions filed with the original plan, the debtor must file an amended plan motion.</p> <p data-bbox="541 609 598 625">* * *</p>	<p data-bbox="1062 149 1656 178">(a) Amendment of Plan Before Confirmation.</p> <p data-bbox="1062 227 1984 414">(1) Amended Plan. The debtor may file an amended chapter 13 plan any time before confirmation by filing and serving on all creditors a plan substantially conforming to the local form plan (H113). The debtor must check the box labeled "Amended" and indicate the date and time of the hearing on confirmation of the amended plan.</p> <p data-bbox="1062 462 1974 641">(2) Requests for Valuation and Avoidance of a Lien. An amended plan that includes a request for valuation of collateral (Attachment A) or avoidance of a lien (Attachment B) must be served on a secured creditor as required by Bankruptcy Rule 7004 even if the particular request has not been amended.</p> <p data-bbox="1495 690 1554 706">* * *</p>