

Rule 1006-1  
FEES - INSTALLMENT PAYMENTS

- ~~(a) An application for permission to pay the filing fees in installments shall contain the following:~~
- ~~(1) reasons why the debtor cannot pay the full fee at the time of filing;~~
  - ~~(2) a statement of fees paid to the debtor's attorney;~~
  - ~~(3) a statement that the debtor does not owe any outstanding fees to the court on account of any other prior case; and~~
  - ~~(4) the signature of both the debtor and the debtor's attorney.~~
- (ba) Following the filing of a petition and an application to pay filing fee in installments, each application will be reviewed by the court and an order entered granting or denying the application. If the application is denied, the debtor shall have 14 days from the date of the order to pay the full fee. If the full fee is not paid within 14 days of the order, the petition may be dismissed by the court without any further prior notice.
- (cb) Final installments of the filing fee shall be paid within 14 days following the date first set for the meeting of creditors pursuant to 11 U.S.C. § 341, unless otherwise ordered by the court upon appropriate motion for extension and for cause shown.
- (dc) The debtor and the debtor's attorney are responsible for knowing the dates the payments are due. No reminders of the due date will be provided from the court. Upon failure to make any payment as scheduled, the petition is subject to dismissal after hearing on notice to the debtor and trustee.

Rule 4002-1  
DEBTOR DUTIES

- (c) CHAPTER 11 DEBTOR - DUTIES. The following shall apply in chapter 11 cases.
- (11) PAYMENT OF JUDICIAL CONFERENCE QUARTERLY FEE. In all cases filed after April 1, 2002, the debtor shall promptly remit quarterly fees to the clerk, which fee shall be calculated on the graduated scale as prescribed by 28 U.S.C. §1930(a)(7), based upon the total sum of all disbursements made during a calendar quarter until the case is either converted to a case under another chapter or closed. In cases in which the debtor is represented by counsel, the payment of quarterly fees shall be pursuant to General Order dated August 28, 2013 and effective September 3, 2013, entitled "Payment of Quarterly Fees via Electronic Means," which states that "attorneys representing chapter 11 debtors are required to remit quarterly fees to the clerk through pay.gov upon receipt of certified funds from the chapter 11 debtor for the purpose of paying quarterly fees." ~~by remission of an attorney trust account check, certified check, money order, or payment through pay.gov.~~
- (g) CHAPTER 13 - DEBTOR DUTIES. The following shall apply in chapter 13 cases.
- (5) OBTAINING CREDIT. The debtor shall not purchase additional property or incur additional debt of \$7,500 or more without prior approval from the court. The debtor must give notice of the application to purchase additional property or to incur additional debt to the chapter 13 trustee, who must respond within ~~seven~~ fourteen days of receipt of the notice. If no objection is filed, the court may approve the application without a hearing.

Rule 3011-1  
UNCLAIMED FUNDS

- (a) DEPOSIT OF UNCLAIMED FUNDS INTO THE COURT. Any funds deposited into the court as unclaimed funds pursuant to 11 U.S.C. § 347(a) shall be deposited via ACH through pay.gov.
- (b) PROCEDURE FOR COLLECTING UNCLAIMED FUNDS. The following procedure shall apply to the collection of unclaimed funds:
  - 1. DEPOSIT OF UNCLAIMED FUNDS INTO UNITED STATES TREASURY. All unclaimed funds collected by the court shall be deposited into the United States Treasury.
  - 2. FILING OF MOTION. A Motion to Release Funds shall be filed with the Clerk of the United States Bankruptcy Court, Eastern District of North Carolina, P.O. Box 791, Raleigh, NC 27602. A form for the Motion to Release Funds can be found in the Administrative Guide to Practice and Procedure.
    - A. The motion must include:
      - (1) the name, address, telephone number, and a brief history of the creditor who originally filed the proof of claim;
        - (a) the history shall include information from the date of the filing of the claim to the present and reflect possible reasons for the funds not being deliverable at the time of the original distribution
      - (2) whether the claim has been assigned to the claimant, and if so, attach to the motion copies of all documents evidencing the assignment; and
      - (3) whether or not the claimant believes that any other party may be entitled to the unclaimed funds.
    - B. A copy of the motion shall be served upon the United States Attorney for the Eastern District of North Carolina, 310 New Bern Ave., Suite 800, Federal Building, Raleigh, NC 27601.
      - (1) A certificate of service must be attached to the original motion filed with the court.
  - 3. PROOF OF IDENTITY. The claimant's identity must be proven through at least one of the following methods.
    - A. The owner of record (the person shown in the court's records as the owner of the funds) must provide
      - (1) an affidavit explaining the claimant's entitlement to the requested funds and bearing the seal and certificate of a notary public;
      - (2) a copy of an unexpired passport or valid driver's license to establish identity;
      - (3) the last four digits of the social security number or tax identification number; and
      - (4) any additional documentation that establishes full proof of the claimant's right to the unclaimed funds and evidences identity such as a copy of a proof of claim or a copy of a utility bill from an old address.

- B. Successor claimants (those who have become legally entitled to the funds in lieu of the original claimant)
  - (1) Successor businesses must provide proof of identity of the owner of record, a notarized power of attorney signed by an officer of the successor, a statement of the signing officer's authority, and documentation establishing chain of ownership from the original claimant.
  - (2) Successor claimants of transferred claims must provide proof of identity of the owner of record, proof of identity of the successor claimant, and documentation evidencing the transfer of claim.
  - (3) Decedent's estates must provide proof of identity of the owner of record, proof of identity of the estate administrator and certified copies of probate documents establishing the representative's right to act on behalf of the decedent's estate.

(c) CLAIMANT REPRESENTATIVES.

- 1. Claimant representatives must be represented by an attorney who is a member in good standing of the North Carolina State Bar and who has been admitted to practice before the United States District Court for the Eastern District of North Carolina.
- 2. Claimant representatives must provide to their attorney who shall file with the court:
  - (A) proof of the identity of the owner of record;
  - (B) a notarized original power of attorney signed by the claimant on whose behalf the representative is acting, acknowledging the representative's authorization to seek funds on behalf of the claimant and acknowledging that the claimant is aware of the right to seek collection of the funds without the assistance of the representative;
  - (C) proof of identity of the representative; and
  - (D) documentation sufficient to establish the claimant's entitlement to the funds.
- 3. Unclaimed funds requested by claimant representatives will be paid by check made payable jointly to the claimant and the attorney for the claimant representative.

- (d) Pursuant to the Vendor Administration and 1099 Issuance Procedures, the court requires the claimant to complete a W-9 form that includes the claimant's social security number or tax identification number and signature. This form can be found on the court's website and should be returned to the court in person, by email, or by fax at the time of the filing of the Motion for Release of Funds. Failure to complete, sign, and return this form may result in non-payment.