

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE**

IN RE: ADOPTION OF NEW LOCAL BANKRUPTCY RULES 2016-1 and 3011-1

General Order No. 26-0002

THIS GENERAL ORDER is issued to adopt new local bankruptcy rules TNWB LBR Nos. 2016-1 and 3011-1. This Court has authority to promulgate local rules pursuant to Federal Rule of Bankruptcy Procedure 9029(a)(2) and the Order Authorizing Bankruptcy Judges of this Judicial District to Promulgate Local Bankruptcy Rules, Misc. Civil No. 89-2.

IT IS HEREBY **ORDERED** that the Judges of the United States Bankruptcy Court for the Western District of Tennessee, after the notice and comment period provided by 28 U.S.C. § 2071(b), adopt the attached New Local Bankruptcy Rules: Local Bankruptcy Rule 2016-1, *Compensation for Services Rendered and Reimbursement of Expenses*; Local Bankruptcy Rule 3011-1, *Disbursement of Unclaimed Funds*. These new Local Bankruptcy Rules shall take effect September 24, 2026.

The Clerk of Court is directed to post a copy of this order on the Court's website.

SO ORDERED by the Court effective September 24, 2026.



Jimmy L. Croom
Chief Bankruptcy Judge



Jennie D. Latta
Bankruptcy Judge



M. Ruthie Hagan
Bankruptcy Judge



Denise E. Barnett
Bankruptcy Judge

TNWB LBR 2016-1

COMPENSATION FOR SERVICES RENDERED AND REIMBURSEMENT OF EXPENSES

- (a) **Presumptively Reasonable Fee.** In chapter 13 cases the Court, by Standing Order, which may be amended from time to time, shall set the presumptively reasonable fee (“PRF”) for debtors’ attorneys. While the PRF is intended to compensate counsel for all services for representing the interest of the debtor in the chapter 13 case, the debtor’s attorney may provide in the Attorney Fee Disclosure Statement (Official Form B2030) that the PRF does not include any service, fees, and expenses in connection with—
- (1) an adversary proceeding under Fed. R. Bankr. P. 7001;
 - (2) a contempt proceeding;
 - (3) employing an expert witness; or
 - (4) an appeal.
- (b) **Fee Approval Procedure in Chapter 13.** An attorney representing a debtor in a chapter 13 case may obtain approval of attorney’s fees without the filing of a formal fee application and a hearing when the attorney and the debtor(s) agree in writing that the fee for representation will be less than or equal to the PRF. Unless the Court orders otherwise, the PRF or any lesser amount is deemed an allowed administrative claim under 11 U.S.C. § 503(b)(2). The amount must be claimed by the attorney’s filing of the Attorney Fee Disclosure Statement pursuant to Fed. R. Bankr. P. 2016(b) (Official Form B2030). Official Form B2030 shall clearly indicate the fee agreed upon, the amount paid to date, and the amount to be paid through the chapter 13 plan.
- (c) **Fee Award Other Than or in Addition to the PRF.** In any case in which a chapter 13 debtor’s attorney seeks compensation other than or in addition to the PRF authorized in subdivision (a) of this rule, the attorney must file a fee application conforming to Fed. R. Bankr. P. 2016(a). The application must include an itemized statement and be supported by contemporaneous time and expense records. Notice of the fee application must be given in accordance with Fed. R. Bankr. P. 2002(a)(6). For any fees sought in addition to the PRF, the application must include sufficient detail to demonstrate the PRF award does not adequately compensate the debtor’s attorney for the legal services rendered or include a statement that the services for which the attorney is seeking additional compensation were specifically excluded from the services included in the PRF award.
- (d) **Fee in Cases in Which Attorney Does Not Complete Representation.** If an attorney has been awarded a PRF under subdivision (b) and for any reason the attorney’s representation ends before the case is closed, the Court, either *sua sponte* or on request of a party, may order disgorgement of fees received but not earned and vacate any balance of the award that has not been received. A PRF award to the initial attorney in the case does not prohibit a successor attorney from being awarded compensation for providing the necessary services to complete representation of the debtor in the case. A successor attorney may request compensation pursuant to subdivision (b) or (c) but the total PRF awarded pursuant to subdivision (b) in any case shall not exceed the amount set by the Court pursuant to subdivision (a).

TNWB LBR 3011-1
DISBURSEMENT OF UNCLAIMED FUNDS

(a) **Deposit of Unclaimed Funds into the Court.** Funds deposited into the Court as unclaimed property pursuant to 11 U.S.C. § 347 shall be deposited into the United States Treasury. The Clerk's Office maintains a searchable database of unclaimed funds deposited with the Court pursuant to 11 U.S.C. § 347.

(b) **Procedure for Collecting Unclaimed Funds.** The following shall apply to the release of unclaimed funds:

(1) **Application for Payment of Unclaimed Funds.** An Application for Payment of Unclaimed Funds (Director's Form B 1340) shall be filed with the Clerk. The form can be found on the Forms page of the Court's Website, www.tnwb.uscourts.gov. It is not necessary that a closed case be reopened before a party can file an Application for Payment of Unclaimed Funds.

(2) **Definitions.**

(A) "Claimant" is the party entitled to the unclaimed funds.

(B) "Applicant" is the party filing the Application. The Applicant and Claimant may be the same.

(C) "Owner of Record" is the original payee.

(D) "Successor Claimant" is an individual or entity other than the Owner of Record who has become legally entitled to the funds.

(E) "Claimant Representative" is an individual or entity who has legal authorization and power to seek collection of unclaimed funds on behalf of the Claimant or Successor Claimant.

(3) **Proof of Identity and Right to Funds.** In addition to the Application for Payment of Unclaimed Funds, the identity of the Claimant/Successor Claimant and right of the Claimant/Successor Claimant to the unclaimed funds must be demonstrated as follows:

(A) All Claimants must submit the following with the Application for Payment of Unclaimed Funds:

(i) a copy of an unexpired passport or valid driver's license to establish the identity of an individual Claimant;

(ii) the last four digits of the social security number or tax identification number of the Claimant; and

(iii) any additional documentation that establishes the Claimant's right to the unclaimed funds and evidences its identity (e.g., a copy of a proof of claim or a copy of a utility bill from an old address).

(B) Successor Claimants must submit the following additional information with the Application for Payment of Unclaimed Funds:

(i) Proof of identity of the Owner of Record, proof of identity of the Successor Claimant, and documentation evidencing the transfer of claim and the Successor Claimant's entitlement to collect the funds; or

(ii) Representatives of estates must provide proof of identity of the Owner of Record, proof of identity of the estate's representative and certified copies of documents establishing the representative's right to act on behalf of the estate.

(C) Claimant Representatives, in addition to compliance with subparagraph (b)(1) and/or (2) above, must submit the following additional information with the Application for Payment of Unclaimed Funds:

(i) a notarized original power of attorney signed by the Claimant/Successor Claimant on whose behalf the representative is acting, acknowledging the representative's authorization to seek funds on behalf of the Claimant/Successor Claimant and acknowledging that the Claimant/Successor Claimant is aware of the right to seek collection of the funds without the assistance of the Claimant Representative;

(ii) proof of identity of the Claimant Representative; and

(iii) a copy of the letter of engagement with the Claimant Representative, or other documentation of the agreement between the Claimant/Successor Claimant and the Claimant Representative, disclosing the fee to be collected by the Claimant Representative.

(4) **AO-213P or W-9 Required.** Pursuant to the Vendor Administration and 1099 Issuance Procedures, the Court requires the claimant to complete either an AO-213P or a W-9 form that includes the Claimant's social security or tax identification number and signature. These forms may be found on the Court's Website www.tnwb.uscourts.gov and must be provided to the Court at the time of the filing of the Application for Payment of Unclaimed Funds. If the application is being electronically filed, the AO-213P or W-9 shall be filed as "Personal Supporting Documentation (Unclaimed Funds Use Only)." Failure to complete, sign, and return this form may result in non-payment.

(5) **Service.** An Application for Payment of Unclaimed Funds shall be served on the Owner of Record if the Claimant is not the Owner of Record, the debtor and debtor's counsel of record in the bankruptcy case, the United States Trustee, and the United States Attorney for the Western District of Tennessee.

(6) **Objections.** Any party objecting to the relief sought in the Application for Payment of Unclaimed Funds shall, within twenty-one (21) days after filing and service thereof, serve upon the Applicant and other appropriate parties and file with the Court an objection to the Application. If an objection is timely filed, the Court will schedule a hearing. If no objection is filed with the Court within twenty-one (21) days after the filing and service of the application, the Court may enter an Order directing the Clerk to disburse the funds. Following entry of an Order, the funds will be disbursed upon the expiration of the fourteen (14) daytime period to appeal the Order. The

Court retains the discretion to set any Application for hearing whether or not an objection has been filed.

(7) **Deficient Applications.** If an Application for Payment of Unclaimed Funds is deficient, the Clerk shall notify the Claimant, Successor Claimant and/or Claimant Representative of the deficiency. The Clerk may at their discretion contact the Claimant, Successor Claimant, and/or Claimant Representative for additional proof of identity, entitlement to the funds, and/or authorization to file the Application for Payment of Unclaimed Funds.

(8) **Issuing Payment.** Payment of unclaimed funds shall not be issued solely to a Claimant Representative, even if a power of attorney authorizes such payment. Payment shall be made solely in the name of the rightful Claimant/Successor Claimant (including instances where a payment is issued to the Claimant/Successor Claimant but mailed “care of” a Claimant Representative) or jointly to the Claimant/Successor Claimant and the Claimant Representative, if authorized by a power of attorney.