

The document below is hereby signed.

Signed: September 24, 2020



*S. Martin Teel, Jr.*

S. Martin Teel, Jr.  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLUMBIA

In re )  
 )  
TYRONE WATERS, ) Case No. 97-00626  
 ) (Chapter 13)  
Debtor. )

MEMORANDUM DECISION AND ORDER DENYING  
SECOND APPLICATION FOR RELEASE OF UNCLAIMED FUNDS

PNC Bank, National Association, successor-in-interest to National City Mortgage, has filed a second application (Dkt. No. 29) for release of unclaimed funds in the amount of \$743.35. In a *Memorandum Decision and Order* entered on June 5, 2014, the court denied PNC's earlier application because PNC had not shown that the debt had not been satisfied from other sources. This second application includes this certification:

I hereby certify that the unfunded claims relate to the claim of National City Mortgage filed as a creditor in the case, that I have been able to ascertain and have ascertained that the Creditor's claim has not been satisfied from other sources, and that the amount of the Creditor's claim that remains unpaid is equal to or exceeds the amount of the unclaimed funds. **The way in which I ascertained this was: Check was never received.**

[Emphasis added.] That is an unsatisfactory certification. The non-receipt of the check does not suffice to ascertain that the

claim has not been satisfied from other sources.

As the assignee of the loan, PNC presumably acquired the records relating to the loan. The certification makes no representation that PNC has examined the records relating to the loan to see whether sufficient payments were received from other sources to satisfy the loan.<sup>1</sup> A filing in the case reflects that in 1997 National City Mortgage was preparing to foreclose on the real property securing the loan, yet PNC's application is entirely silent as to whether a foreclosure sale was held and, if so, whether the proceeds of that sale sufficed to satisfy the loan.

It is thus

ORDERED that PNC Bank's second application (Dkt. No. 29) for release of unclaimed funds in the amount of \$743.35 is DENIED without prejudice to the filing of an amended application demonstrating a present day entitlement to the funds.

[Signed and dated above.]

Copies to:

PNC Bank NA  
First Side Center 500 First Ave  
P7-PFSC-02-0  
Pittsburgh PA 15219

United States Attorney  
555 4th Street, NW  
Washington, DC 20530

---

<sup>1</sup> PNC does not explain what records it examined to ascertain that the check, issued in 1997, was not received.