

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re:

Case No. 6:04-bk-05861-ABB
Chapter 7

JAMES E. HINES and
SANDRA K. HINES,

Debtors.

ORDER

This matter came before the Court on the Motion for Payment of Unclaimed Funds (Doc. No. 38) ("Motion") filed by Tara Leann McMurphy, f/k/a Tara Leann Hines ("Movant"), who is the daughter of James E. Hines and Sandra K. Hines, the Debtors herein (collectively, "Debtors") seeking turnover of \$16,918.44 held in the Registry of the Court. The Debtors are deceased and their case was closed on April 1, 2008. An evidentiary hearing was held on June 2, 2008 at which Movant appeared and was directed to file: (i) copies of her and her siblings' photo identifications; (ii) the consents of her siblings, Jeffrey K. Hines and Brenda R. Bourbeau, to the Motion; and (iii) a statement as to whether probate proceedings were instituted for the Debtors.

Surplus funds of \$16,918.44 remained after the Trustee paid all claims and made all disbursements pursuant to his Final Report, which amount would have been disbursed to the Debtors and was placed in the Registry due to their passing. Movant submitted various documents post-hearing (Doc. No. 44) in support of her Motion, which are insufficient: (i) the photo identifications of the Movant and Jeffrey K. Hines are illegible; (ii) no information was provided whether a probate proceeding for either Debtor was instituted (the documents only indicate no probate proceedings had been instituted at the time of the Debtors' deaths); and (iii) do not clarify to whom the funds should be disbursed, whether to the Movant individually or to her and her siblings jointly.

Accordingly, it is

ORDERED, ADJUDGED and DECREED that the Movant, within twenty-one (21) days of the entry of this Order, shall file with the Court: (i) clear and legible copies of photo identification for the Movant and Jeffrey K. Hines; (ii) a statement setting forth whether probate proceedings for James E. Hines and Sandra K. Hines have been instituted, including for each proceeding the date instituted, the court in which it was instituted, the probate proceeding caption, and the status of the proceeding; and (iii) a statement setting forth to whom the funds held in the Registry of the Court should be disbursed; if to the Movant individually, consents to such disbursement must be filed by Jeffrey K. Hines and Brenda R. Bourbeau.

Dated this 7th day of July, 2008.

/s/Arthur B. Briskman
ARTHUR B. BRISKMAN
United States Bankruptcy Judge