

## Getting an online list – surplus funds/excess proceeds, estates:

1. Google™ (or Bing™) surplus funds or excess proceeds or overbids or excess funds, plus a county or state name – for example, ‘excess proceeds, gwinnett county’ or ‘excess proceeds gwinnett county georgia’. Guys, don’t be silly and use that example. You can get a list of every county in the United States by going to the link in your ebook and following the link on that page to the list. We have ‘red-inked’ counties folks are already working. Of course, the lists that rank high on Google will be worked the soonest.
2. You can take a list that is easy to get online, and download or copy it to your computer. You can then find the clerk of the court in a nearby county, through the county’s online site, and send a copy of the list along with a letter or email that states (if email, use ‘Public Record Information Request’) in the subject line,

((today’s date- this is important as the public record laws usually stipulate a prompt response))

((clerk’s name or bookkeeper’s name – or just the title of clerk or bookkeeper))

((from – your name and/or your business name))

((re – unclaimed funds list))

Dear sir/ma’am,

Attached please find a list from ((name of county where you got list)) County, ((state initials)). I am respectfully requesting your County’s version of this list. If it is possible to receive it in electronic format, please email that to ((your email address)).

If it must be printed, please let me know what the associated cost would be, and where to send the check for the copies. If you are not the correct person for me to contact in this matter, please let me know who I should contact or forward this communication on.

I will not be working as a finder. I will be working in a contractual capacity with trustees with the district bankruptcy court to recover funds the bankruptcy court has a claim to, ahead of the individual.

Thank you in advance for your time and consideration.

Respectfully,

((Your name and business name if applicable))

Phone ((your direct phone number)) ((your address))

## Getting a local list – surplus funds/excess proceeds.

### A. Mortgage vs. Deed of Trust States:

State law determines the method of foreclosure used. In most instances, a deed of trust makes for a faster foreclosure than a judicial foreclosure used with a mortgage. When a borrower defaults on a loan with a deed of trust, the lender transfers the deed of trust to the trustee – aka substitute trustee (usually an attorney). The trustee (attorney chosen by the mortgage company) sells the property. Judicial vs. Non-judicial foreclosures can determine where you need to look for files, and who will provide you with a list.

Just knowing your type of foreclosure can help you find further info online. For instance, if you are in Alabama, you know that you are in a Mortgage State with Non-judicial foreclosure type. So putting 'Alabama Non-judicial' into Google may get you information on court vs. Sheriff's department filing.

\*\*Please note – even States noted as being non-judicial can have judicial foreclosures, and vice versa. It can be as simple as calling your court house and/or sheriff's dept and asking if they post a list of upcoming foreclosures. Whoever posts the list generally handles the foreclosures.

**BOTTOMLINE YOU WILL HAVE TO GO TO THE COURTHOUSE OR TO THE SHERIFF'S DEPARTMENT TO GET A LIST.**

That's you're first stop to get a list of the surplus funds accounts. **READ THIS EBOOK IN ITS ENTIRETY AND WATCH THE 'GETTING THE LIST' VIDEO!!**

**The Overview** - Before we begin, it is important that you realize the following:

- Surplus Funds are created when a property sells at foreclosure for an amount in excess of what is owed against the property, to the foreclosing entity. These exist in mortgage and in tax sale foreclosures. Usually, the substitute trustee for the bank(or the County or even City government if it's a tax auction sale) sends these funds to the clerk of the court in the County that the property foreclosed in. However, your sheriff's dept is another good place to check. You should also check for foreclosures that are a result of municipalities – usually counties – foreclosing on the real property for taxes owed.

Some counties have tax auction departments that deal specifically with tax sales. Lastly, some overages are sent straight to the State. The letter at the end of this program can be used to request lists – take it with you when you go in person to the court.

Don't get caught up in whether or not a State is a tax lien or tax certificate State. That doesn't matter. We're looking at properties that have foreclosed.

- Surplus Funds are also called Excess Proceeds, Excess Funds, Foreclosure Overages, Remainders, Unclaimed warrants (Hawaii), Overbids. If you are also going to look for proceeds from tax foreclosures, they can be called tax sale overage, tax sale overages, tax sale proceeds, tax sale excess, overbids, remainders, excess proceeds, etc.

**More on redemption:** In States that have redemption periods that go on after the foreclosure sale is final, you can tell if the owner redeemed the property when you open the file. If the ex-owner(deed holder in deed States) redeemed the property, that means that they made good on the unpaid real property taxes on the property during the redemption period. **If this happens, there is no surplus or excess!** This is because the County will give the property back to the ex-owner and then return all monies paid by the highest bidder at the tax sale – including the surplus or excess proceeds amount.

## The Most Important Thing You Do is Get the List!

As the files for foreclosures are, in most cases, kept at the county court house, we will take you through this assuming that is where you will find the lists. However, you may need to look elsewhere, depending on the type of foreclosure and how your County handles the records of these files. The file location is often different from the list generator. **WATCH THE VIDEO ABOUT GETTING LISTS!!**

**Getting prepped prior to getting the funds.**

**Go online to see if surplus funds lists are available online.**

Again, if you are 'googling' to find these, use 'surplus funds' as well as the following keywords(in conjunction with the state name you are looking for): *Excess Proceeds, Excess Funds, Surplus Proceeds, Foreclosure Surplus, Foreclosure Overage, Foreclosure Excess, Tax Auction Surplus, Tax Sale Excess..*

**To find the funds – or more correctly the list of funds – you must determine:**

A. Who conducts the foreclosure? Is it the Sheriff's Department or the County Court House? You can find this out by seeing who is advertising or posting upcoming foreclosures for sale.

B. Once the foreclosure is completed, where does the file go? You can find this out simply by visiting the County Court House or the Sheriff's Department and asking where you would go to review a file of a foreclosure that has already taken place. **YOU ARE NOT ASKING FOR THE DEED – IF SOMEONE TELLS YOU TO GO TO LAND RECORDS, OR REGISTER OF DEEDS, THAT'S INCORRECT.** You are asking where you would go to look at the physical file. If you ask for the files, they won't help you. Remember that you are going to find a list first, and then open the files from that list. You are trying to determine where the monies are held.

C. Where does the money go? You can call and ask the Court House and/or Sheriff's dept where overages are sent from tax sales or mortgage foreclosures. Where does the money go.

**We recommend you always start with the Book keeper for the Clerk!!**

**For estates, the monies are usually held by the Probate or Chancery court. AGAIN go the bookkeeper for the list of monies being held for unclaimed inheritance monies.**

A good trick to figure out the name or account number of the list you are going after is to simply track a sale from a tax sale foreclosure. It is common that overages are created with tax sales. Get case numbers from either the sheriff or clerk's office – whoever handles the sale – and then go to whoever holds the files on the foreclosure (usually the county court house) and

open the files. Look for an accounting or disbursement sheet or for a letter from an attorney detailing the overages.

The letter or accounting/ disbursement sheet will say what account number the monies were placed in or who was sent the check for the overages. If you get an account number, ask the book keeper to print the report that contains that account. Also, ask for an 'aging' report. This is an accounting of all monies currently held in the court. Note – even if the monies were sent directly to the State, there is often a file at the County level as well. **DO NOT CONTACT THE STATE. YOU WILL GET RUN-AROUND AND THEY DON'T HAVE THE CORRECT LIST.**

**\*\*Note** – in an effort to 'hide' the actual amount put in, some States have the County put a set \$ amount in the surplus column. In other words, you may repeatedly see \$200 for example as the surplus amount and that is just a predetermined 'head fake' amount that they put in. Disregard and open the file to find the real amount.

**\*When you contact the court, let them know that you are aware of any finder laws – you are just beginning to do your research and simply need to get these records – WHICH ARE PUBLIC RECORDS. NOTE – A LOT OF PEOPLE MAKE THE MISTAKE OF CALLING OR EMAILING THE STATE FOR A LIST, OR GOING TO THE UNCLAIMED DEPARTMENT FOR THE STATE. DON'T.**

**GO TO YOUR COURT HOUSE IN PERSON.** It is important that you take a copy of our letter requesting the list in written form – aka email – because some counties and States require that any public records information request must be in writing. The letter to use is included and follows this section – simply copy and paste.

Take the letter with you and go to the Book keeper OR Book keeper for the Clerk, for for the County. You can easily find the book keeper for a given County by googling the County or by looking on the County website. Great trick here – most counties have a web site that will be redirected by plugging in the following:

<http://www.co.nameofcounty.stateinitials.us>

for instance, for Mecklenburg County, NC, go to:

<http://www.co.mecklenburg.nc.us>

It will take you to the County website, even if it says, 'Page not Found'. You'll then have a starting point.

**SPECIAL NOTE: GIVE THE BOOKKEEPERS AT LEAST 5 BUSINESS DAYS TO PRINT THE LIST. YOU'RE WORKING WITH GOVERNMENT, SO SIT TIGHT! AND YES, THEY'RE GOING TO CHARGE YOU FOR COPIES.**

**DO NOT SEND US A LIST TO REVIEW. IF YOU DO NOT UNDERSTAND WHAT THE LIST CONTAINS, THEN OPEN FILES FROM THE CASE NUMBERS ON THE LIST TO FIND OUT. CASE NUMBERS AND DESCRIPTORS ARE DIFFERENT STATE TO STATE AND WITHOUT YOU OPENING THE FILE IN**

QUESTION, THERE IS NO WAY TO KNOW WHAT FILE NUMBERS CORRESPOND TO WHAT TYPE OF CASES.

Letter requesting a list of the overages and/or escheated funds –take this with you when you go in person to the courthouse: (simply copy and paste the letter out of this. If you can't do that, go to adobe.com and download the newest free adobe reader and then you'll be able to cut and paste).

Letter - Public Record Information Request:

I am formally requesting the accounting list that contains either monies escheated to the State or of monies being held locally at the County level. Specifically, I am looking for a list that would contain overages from foreclosure sales and/or tax sales, or unclaimed estate monies. I would **not** like to receive the foreclosure list, but rather the **accounting list of surplus funds aka excess proceeds**, remainders, overbids, unclaimed warrants, etc. A list of unclaimed estates monies is also requested.

I realize that there is not usually a list created to cover these overages, so I request the following:

- Any list that shows the amount of the monies being held, AND the case file number/descriptor. I understand that this list may include monies from other sources, so a list with additional monies is fine, so long as I can tell by the file or case name what the source of the monies are.

- If a list is not available to the above specifications, then a list of monies escheated to the State will suffice. Specifically, a list showing the case or file number, and the amount escheated.

To further clarify, I am not looking for any list that details monies that have already been disbursed from the file to individuals or companies. However, if that distinction cannot be made, I would rather have the entire list. Escheated monies that have been sent to the State are fine.

I understand and respect the fact that this can take time to copy and/or print, and that there may be a cost associated with this. Please let me know when I can come by the court house and pick up the copies and what you believe the total cost of the copying and/or printing will be. I would also appreciate, for future reference, the name of this account or list so that I can more easily communicate my request.

In addition, if it is easier or more efficient, I am fine with receiving said information in electronic format either on disk or via email (my email address is listed below).

I appreciate any and all help you can give me in this process. I am, of course, aware of any and all State laws regarding the disposition of this money. I am also aware of the State's Public Records Information Statutes.

Finally, I also understand that there are finder laws that can impact how these funds are handled. I am requesting this information as a public records information request for research. I will not be working as a 'finder' or 'locator'. I am, at present, researching the monies being held.

## **Go in person.**

Notes regarding lists from the book keeper – the book keeper, not the commissioner, not the deed or land records office, the book keeper or book keeper for the clerk of the court.

A. It may help to ask for an ‘aging report’ – this shows the deposited funds over time and is usually generated by the book keeper for auditing purposes. It is important to note that if you can get an aging report, you will need to know how often the report is generated. If the list is generated monthly or quarterly instead of annually – it is usually generated monthly – you will want every month’s report over the year period. That is because the report will change from month to month as monies are moved into ‘investment’ accounts and finally escheated(sent) to the State.

B. You will see funds ‘disappear’ from one report to another. This can be for a number of reasons:

- i. The money has been moved from the Count to the State – Escheated.
- ii. The money was in a slush fund and is now ‘invested’ – put in the bank.

C. You can also ask for a reconciliation report. This details all deposits. Its hard to get this as it is generally generated for in-house auditing purposes.

D. You can ask for an escheat report – funds sent from the county to the State.

E. Do not get discouraged if the list you get has everyone’s balance at an arbitrary amount – like \$200. This is a clerk’s trick. They may have a filing fee and they’ll stick that in as the balance to mask the amount. So look for repetitive amounts.

If you consistently hit a ‘brick wall’, you can, if you have direct file access, pull the files one by one. But, there are other options:

A. Ask if there is a request form available online or via the courthouse for this information. This documentation does fall under the Public Records Information Statute for your State and you have a right to it. However, the county can make you jump through the hoop of filling out an online form or by requiring you send a letter asking for the list. A copy of an effective letter is included in the e-book. States have their own freedom of info statutes.

B. The court may direct you to land records or the tax department – those are usually dead ends. Please do not contact support while you’re at the court house and expect for us to be on call for that. Print a copy of the letter to the bookkeepers and take with you. Then you can simply pass that over. Do NOT ‘John Wayne’ it and be a jerk. Be courteous and be willing to come back for the list if necessary. Dress appropriately and be professional in your demeanor.

If you have options, as far as what list to pull (for instance you can ask for a list from specific years), ask for the last two years to get an idea of how large the list will be. In addition, they may be able to provide a ‘non-aggregate’ list, which has only accounts above a certain dollar amount.

IF THEY DIRECT YOU TO GO TO THE STATE UNCLAIMED WEB SITE FOR A LIST, THAT'S NOT CORRECT AND YOU'RE NOT TALKING TO THE RIGHT PERSON.

### **STANDARD LIES YOU WILL BE TOLD AT THIS POINT:**

A. ***There is no surplus here or We don't handle that money..*** This is 'clerk lie' for the surplus is invested in a bank account so they don't have their hands on it. I've actually told a book keeper, 'Ma'am, I know you don't have a check in your desk drawer, I realize the money has been invested in a bank while it is being held...'

B. ***All that money is sent to the State, You'll have to go there.*** This is another 'clerk lie'. Yes, the money is eventually escheated(sent) to the State. But the funds are still petitioned for at County level. Ask them where they send the money. Ask them for the escheat list the State sends them annually to double check the amounts. Do NOT fall for the 'you can look it up online with the State' lie.

C. ***We notify everyone of the surplus that may be entitled.*** In many cases, this is true. However, the court notifies at the last known address. Guess what that is? The address the owner was foreclosed on, last known address of a judgment holder or mortgage holder (now often out of business). Think that got through? Even if the letter gets through to the people, it usually says that they 'may' be entitled to money, and that they have to get an attorney to double check it – they won't do that.

D. ***This is all available online.*** Nope. The States tend to keep this separate from unclaimed monies because the owner is not always known. This is because, without title work, the owner can not be determined. However, if the debtor went into bankruptcy, all creditors are usually included in the bankruptcy. In addition, even if a creditor with a potential claim to the surplus attempts to argue their priority claim to the money, often courts give the bankruptcy court priority over other creditors. There is a fear of Federal courts by the local county clerk.

**Guys, if this was easy, everyone would be doing it. You are on a treasure hunt, so be prepared to have to dig a little bit to get the list.**

## **Getting a local list – estates.**

This is pretty much the same as getting the overage list, except you can go through one of the following departments to get the list –

- Probate department
- Estate department
- Chancery court
- Interpleader court – this can also have the overage lists.