

McNALLY & ASSOCIATES, L.L.C.
93 Main Street
Newton, New Jersey 07860
(973) 300-4260
Attorneys for Richard K. Birmingham

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

-----X
In re: :
Chapter 7 Case No. 05-37691 (KCF)
RICHARD K. BIRMINGHAM, :
Debtor. :
-----X

**NOTICE OF MOTION FOR RELEASE OF
UNCLAIMED SURPLUS FUNDS**

PLEASE TAKE NOTICE that on the 29th day of June, 2009 at 10:00 a.m., or as soon thereafter as counsel may be heard, the undersigned McNally & Associates, L.L.C., counsel for Richard K. Birmingham, the above-captioned debtor (the "Debtor"); shall move before the Honorable Kathryn C. Ferguson, United States Bankruptcy Judge, at the United States Bankruptcy Court, 402 East State Street, Courtroom 2, Trenton, New Jersey 08608 for the entry of an Order Requiring the Disbursement of Unclaimed Surplus Funds to Debtor Richard K. Birmingham.

PLEASE TAKE FURTHER NOTICE that the undersigned shall rely upon the within Notice of Motion, the Certification of Richard K. Birmingham and the proposed form of Order filed herewith.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief requested in the Motion shall (i) be in writing; (ii) comply with the Federal Rules of Bankruptcy Procedure and Local Rules of this Court; (iii) specify with particularity the basis of such objection; and (iv)

be filed with the Bankruptcy Court, 402 Est State Street, Trenton, New Jersey 08608 and served upon McNally & Associates, L.L.C., 93 Main Street, Newton, New Jersey 07860 (attn: Stephen B. McNally, Esq.) and upon any other person whose interest would be affected if the objection were to be sustained no later than seven (7) days prior to the return date of the Motion.

Dated: Newton, New Jersey
June 2, 2009

McNALLY & ASSOCIATES, L.L.C.
93 Main Street
Newton, New Jersey 07860
(973) 300-4260
Attorneys for Richard K. Birmingham

By: /s/ Stephen McNally
Stephen B. McNally (SM-5335)

Service List

Office of the United States Trustee
One Newark Center, Suite 2100
Newark, New Jersey 07102

Barry Frost, Esq.
Teich Groh & Frost
691 State Highway 33
Trenton, New Jersey 08619-4407

Jonathan Stone, Esq.
490 Schooleys Mountain Road
Hackettstown, New Jersey 07840

Office of the United States Attorney
970 Broad Street
Room 700
Newark, New Jersey 07102