

CHAPTER 345

UNCLAIMED PROPERTY

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345.01 DUTY OF CONSIGNEE OR BAILEE. When any personal property shall be consigned to or deposited with any forwarding merchant, wharfinger, warehouseman, innkeeper, or storage or express company, such consignee or bailee shall immediately cause to be entered in a proper book kept by him a description of such property, with the date of its reception; and, if not consigned or deposited for the purpose of being forwarded according to directions received by such consignee or bailee at or before the reception thereof, he shall immediately notify the owner by mail, if his name and residence be known or can be reasonably ascertained.

[R. L. s. 2797] (7298)

345.02 UNCLAIMED PROPERTY MAY BE SOLD UPON NOTICE; SUMMARY SALE. If any such property be not claimed or taken away within one year after its reception, it may be sold upon 60 days' notice; and, if perishable or subject to decay by keeping, it may be sold, if not taken away within 30 days, upon ten days' notice; and, if it be in a state of decay, or manifestly liable to decay, it may be summarily sold by order of a justice of the peace or any judge of the municipal court, after inspection, without notice. When not sold summarily, notice shall be given to the owner personally or by mail; but if the name of the owner be not known, and cannot with reasonable diligence be ascertained, published notice for the periods aforesaid shall be given.

[R. L. s. 2798] (7299)

345.03 PROCEEDINGS IF PROPERTY NOT CLAIMED. If the owner or person entitled to such property shall not take the same away and pay the charges thereon, after notice as aforesaid shall have been given, the person having possession thereof, his agent or attorney, shall make and deliver to a justice of the peace of the same or an adjoining town, or to the judge of any municipal court, an affidavit setting forth a description of the property, the date of its reception, the giving of the notice, and whether the owner is known or unknown.

[R. L. s. 2799] (7300)

345.04 INVENTORY; ORDER OF SALE. Upon the delivery to him of such affidavit, the justice or judge shall cause the property to be opened and examined in his presence and a true inventory thereof made, and shall annex to such inventory an order, under his hand, that the property therein described be sold, at public auction, by any constable or police officer of the town where the same shall be.

[R. L. s. 2800] (7301)

345.05 NOTICE AND RETURN OF SALE. The constable or police officer receiving such inventory and order shall sell the property, at public auction, to the highest bidder, in the manner provided by law for constables' sales under execution, upon ten days' posted notice. When the sale is completed he shall endorse upon the order aforesaid a return of his proceedings thereon, and return the same to the justice or clerk of the municipal court, together with the inventory and the proceeds of the sale, less his fees.

[R. L. s. 2801] (7302)

345.06 DISPOSITION OF PROCEEDS. From the proceeds of such sale the justice or clerk of the municipal court shall pay all legal charges incurred in rela-

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tion to the property; or, if the proceeds are not sufficient to pay all the charges, a ratable proportion of each, and the balance, if any, he shall immediately pay to the treasurer of the county where such sale took place and deliver a statement therewith, containing a description of the property sold, the gross amount of the sale, and the amount of costs, charges, and expenses paid to each person. The treasurer shall file such statement in his office, and make an entry of the amount received by him and the time when received.

[R. L. s. 2802] (7303)

345.07 MONEY DEPOSITED, HOW DISPOSED OF. If the owner of the property sold, or his legal representatives, at any time within five years after such money is deposited in the county treasury, shall furnish satisfactory evidence to the treasurer of the ownership thereof, the treasurer shall pay to him the amount so deposited. If not so claimed within the time aforesaid, the money shall belong to the county, and be credited to its general revenue fund.

[R. L. s. 2803] (7304)

345.08 MONEY PAID INTO COURT; CLAIMS; DISPOSITION. In every case where money has been paid, or hereafter shall be paid, into any court or to the officer of any court in the state under any statute or order of court for the benefit of or to be paid to any person or persons, and the same shall not have been paid over to the person entitled thereto within five years after the date on which such person is entitled to receive the same, it shall be the duty of the clerk or other officer of the court having charge of such money immediately to pay the same into the state treasury. The person entitled thereto, or his successor in the right, may apply to the court in which such money was deposited, at any time within 20 years from the time the money is so paid into the state treasury, for an order for the payment of the money to him; and, upon the court being satisfied that the party making the application is the person entitled to the money or successor to his right, the court shall make an order for the payment of the money to the applicant; and the treasurer, upon presentation of a duly certified copy of the order, shall pay the same to the person named in the order as entitled to receive the same. In case any money so paid to the treasurer shall not so be claimed by the person entitled thereto within such 20 years, it shall escheat to the state.

There is hereby appropriated to the persons entitled hereunder to such payment out of any moneys in the state treasury not otherwise appropriated such sums as may, from time to time, be necessary to make such payments.

[1909 c 420 s 1; 1959 c 158 s 28] (7306)

345.09 UNCLAIMED BAGGAGE; DELIVERY TO WAREHOUSEMAN. Personal baggage remaining in the possession of any carrier of passengers for 30 days after having been carried to the station of such carrier in performance of his contract in relation thereto, and any other property remaining in the possession of any common carrier, at the office or station of such carrier to which consigned, for 60 days after notice given by mail to the consignee thereof, may be delivered by such carrier, upon payment of his reasonable charges for the transportation and storage thereof, to any licensed storage company doing business in this state.

[R. L. s. 2805] (7307)

345.10 STORAGE LIENS. Any storage company receiving such property shall provide suitable storage therefor, and shall have a lien thereon for all charges paid the carrier, and for its reasonable charges for handling, storing, insuring, and safely keeping such property, with interest.

[R. L. s. 2806] (7308)

345.11 SALE; NOTICE. If such property is not claimed by the owner or his agent within 12 months after its receipt by such storage company, it may be sold by such company at public auction. Before making sale three weeks' published and posted notice thereof, describing the property and specifying the time and place of sale, shall be given. The publication of such notice shall also be made in a newspaper published at the county-seat of the county where the sale is to be made, and a copy thereof shall be mailed to the owner, if his address is known, or, with reasonable diligence, can be ascertained.

[R. L. s. 2807] (7309)

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345.12 SALE; PROCEEDS. The proceeds of the sale shall be applied to the payment of the charges of the storage company and the expense of sale, and any surplus shall be at once paid to the county treasurer, with a statement, as hereinbefore prescribed, and be disposed of as so provided.

[R. L. s. 2808] (7310)

345.13 WAREHOUSEMAN'S BOND. Before any warehouseman or storage company shall be entitled to the benefit of the provisions of this chapter, such warehouseman or storage company shall give bond to the state, to be approved by the governor, in the sum of \$10,000, conditioned for the faithful performance of all duties enjoined upon the obligor under this chapter, which bond shall be for the use of any party interested, and shall be filed in the office of the clerk of the district court of the county where the business of such warehouseman is conducted.

[R. L. s. 2809] (7311)

345.14 FEES OF JUSTICES AND CONSTABLES. For services performed under the provisions of this chapter, justices of the peace or clerks of municipal courts shall be allowed \$1 for each day, and constables the same fees as are allowed by law for sales upon execution, and ten cents per folio for making an inventory of the property.

[R. L. s. 2804] (7305)