

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.

[*RL 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.

[*RL 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.

[*RL 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

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any constable or police officer of the town where the same shall be.

[*RL 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.

[*RL 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 relation 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.

[*RL 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.

[*RL s 2803*] (7304)

345.08 [Repealed, 1969 c 725 s 32]

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.

[*RL 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.

[*RL 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.

[*RL s 2807*] (7309)

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.

[*RL 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.

[*RL 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.

[*RL s 2804*] (7305)

345.15 COUNTIES, UNCLAIMED PROPERTY; DISPOSITION; DUTY OF SHERIFF. Subdivision 1. The sheriff of any county may seize and retain in his possession any personal property abandoned upon any public way, sidewalk, or other public premises or any property or exhibits entered in evidence in any judicial proceeding as are released by order of the court. The sheriff shall, after holding the property for a period of at least three months, sell the same at public auction giving reasonable public notice of the time and place of such sale in a newspaper of general circulation within the county. The notice shall give a brief description of the articles to be sold and the time and place of sale. The sale shall be made by the sheriff or under his direction. The owner of any such property upon application and satisfactory proof of ownership may recover his property or, within one month of the sale, the net proceeds of the sale of such property. The sheriff shall transfer the net proceeds from the sale of property to the county treasurer to be credited to the general revenue fund and to be deposited as provided by law. The net proceeds shall be the sale price less any costs of handling, storage, or sale.

Subd. 2. [Repealed, 1971 c 734 s 12]

[*1969 c 203 s 1*]

UNIFORM DISPOSITION OF

UNCLAIMED PROPERTY ACT

345.31 DEFINITIONS AND USE OF TERMS. Subdivision 1. As used in sections 345.31 to 345.60, unless the context otherwise requires, the terms defined in this section shall have the meanings ascribed to them.

Subd. 2. "Banking organization" means any bank, trust company, savings bank, safe deposit company or private banker engaged in business in this state.

Subd. 3. "Business association" means any corporation, joint stock company, business trust, partnership, cooperative, or any association for business purposes of two or more individuals.

Subd. 4. "Financial organization" means any savings and loan association, building and loan association, credit union, industrial loan and thrift company or investment company engaged in business in this state.

Subd. 5. "Holder" means any person in possession of property subject to sections 345.31 to 345.60 belonging to another, or who is trustee in case of a trust, or is indebted to another on an obligation subject to sections 345.31 to 345.60.

Subd. 6. "Life insurance corporation" means any association or corporation, including a fraternal beneficiary association as defined in section 64A.02, transacting within this state the business of insurance on the lives of persons or insurance appertaining thereto, including, but not by way of limitation, endowments and annuities.

Subd. 7. "Owner" means a depositor in case of a deposit, a beneficiary in case of a trust, a creditor, claimant or payee in case of other choses in action, or any person having a legal or equitable interest in property subject to sections 345.31 to 345.60 or his legal representative.

Subd. 8. "Person" means any individual, business association, government or political subdivision, public corporation, public authority, estate, trust, two or more persons having a joint or common interest, or any other legal or commercial entity.

Subd. 9. "Utility" means any person who owns or operates within this state, for public use, any plant, equipment, property, franchise or license for the transmission of communications or the production, storage, transmission, sale, delivery or furnishing of electricity, water, steam or gas.

[1969 c 725 s 1; 1977 c 137 s 1,2]

345.32 PROPERTY HELD BY BANKING OR FINANCIAL ORGANIZATIONS OR BY BUSINESS ASSOCIATIONS. The following property held or owing by a banking or financial organization or by a business association is presumed abandoned:

(a) Any demand, savings or matured time deposit made in this state with a banking organization, together with any interest or dividend thereon, excluding contracted service charges which may be deducted for a period not to exceed one year, unless the owner has, within seven years:

(1) increased or decreased the amount of the deposit, or presented the passbook or other similar evidence of the deposit for the crediting of interest; or

(2) corresponded in writing with the banking organization concerning the deposit; or

(3) otherwise indicated an interest in the deposit as evidenced by a memorandum on file with the banking organization; or

(4) received tax reports or regular statements of the deposit by mail from the banking or financial organization regarding the deposit. Receipt of the statement by the owner should be presumed if the statement is mailed first class by the banking or financial organization and not returned; or

(5) acted as provided in paragraphs (1), (2), (3) and (4) of this subsection in regard to another demand, savings or time deposit made with the banking or financial organization.

(b) Any funds or dividends deposited or paid in this state toward the purchase of shares or other interest in a business association where the stock certificates or other evidence of interest in the business have not been issued, or in a financial organization, and any interest or dividends thereon, excluding contracted service charges which may be deducted for a period not to exceed one year, unless the owner has within seven years:

(1) increased or decreased the amount of the funds or deposit, or presented an appropriate record for the crediting of interest or dividends; or

(2) corresponded in writing with the financial organization concerning the funds or deposit; or

(3) otherwise indicated an interest in the funds or deposit as evidenced by a memorandum on file with the financial organization; or

(4) received tax reports or regular statements of the deposit or accounting by mail from the financial organization or business association regarding the deposit. Receipt of the statement by the owner should be presumed if the statement is mailed first class by the financial organization or business association and not returned.

(c) Any sum, excluding contracted service charges which may be deducted for a period not to exceed one year, payable on checks certified in this state or on written instruments issued in this state on which a banking or financial organization or business association is directly liable, including, by way of illustration but not of limitation, drafts, money orders and traveler's checks, that has been outstanding for more than seven years from the date it was payable, or from the date of its issuance if payable on demand, or, in the case of traveler's checks, has been outstanding for more than 15 years from the date of its issuance, unless the owner has within seven years, or within 15 years in the case of traveler's checks, corresponded in writing with the banking or financial organization or business association concerning it, or otherwise indicated an interest as evidenced by a memorandum on file with the banking or financial organization or business association.

(d) Any funds or other personal property, tangible or intangible, removed from a safe deposit box or any other safekeeping repository in this state on which the lease or rental period has expired due to nonpayment of rental charges or other reason, that have been unclaimed by the owner for more than seven years from the date on which the lease or rental period expired.

(1) If the amount due for the use or rental of a safe deposit box has remained unpaid for a period of six months, the bank, savings bank, trust company, savings and loan, or safe deposit company shall, within 60 days of the expiration of that period, send by certified mail, addressed to the renter or lessee of the safe deposit box, directed to the address standing on its books, a written notice that, if the amount due for the use or rental of the safe deposit box is not paid within 60 days after the date of the mailing of the notice, it will cause the safe deposit box to be opened and its contents placed in one of its general safe deposit boxes.

(2) Upon the expiration of 60 days from the date of mailing the notice, and in default of payment within the 60 days of the amount due for the use or rental of the safe deposit box, the bank, savings bank, trust company, savings and loan, or safe deposit company, in the presence of its president, vice-president, secretary, treasurer, assistant secretary, assistant treasurer or superintendent, or such other person as specifically designated by its board of directors, and of a notary public not in its employ, shall cause the safe deposit box to be opened and the contents thereof, to be removed and sealed by the notary public in a package, upon which he shall mark the name of the renter or lessee and also the estimated value of the contents of the safe deposit box and, in the presence of one of the bank officers listed above, the notary public shall place the package in one of the bank's general safe deposit boxes and set out the proceedings in a certificate under his official seal, which shall be delivered to the bank, savings bank, trust company, savings and loan, or safe deposit company.

(3) The bank, savings bank, trust company, savings and loan, or safe deposit company shall hold the contents of abandoned safe deposit boxes until they are claimed by the owner or the bank turns them over to the state treasurer pursuant to chapter 345.

[1969 c 725 s 2; 1977 c 137 s 3; 1978 c 674 s 60]

345.33 UNCLAIMED FUNDS HELD BY LIFE INSURANCE CORPORATIONS.

(a) Unclaimed funds, as defined in this section, held and owing by a life insurance corporation shall be presumed abandoned if the last known address, according to the records of the corporation, of the person entitled to the funds is within this state. If a person other than the insured or annuitant is entitled to the funds and no address of such person is known to the corporation or if it is not definite and certain from the records of the corporation what person is entitled to the funds, it is presumed that the last known address of the person entitled to the funds is the same as the last known address of the insured or annuitant according to the records of the corporation.

(b) "Unclaimed funds," as used in this section, means all moneys held and owing by any life insurance corporation unclaimed and unpaid for more than seven years after the moneys became due and payable as established from the records of the corporation under any life or endowment insurance policy or annuity contract which has matured. A life insurance policy not matured by actual proof of the death of the insured is deemed to be matured and the proceeds thereof are deemed to be due and payable if such policy was in force when the insured attained the limiting age under the mortality table on which the reserve is based, unless the person appearing entitled thereto has within the preceding seven years, (1) assigned, readjusted or paid premiums on the policy, or subjected the policy to loan, or (2) corresponded in writing with the life insurance corporation concerning the policy. Moneys or drafts otherwise payable according to the records of the corporation are deemed due and payable although the policy or contract has not been surrendered as required.

[1969 c 725 s 3; 1977 c 137 s 4]

345.34 DEPOSITS HELD BY UTILITIES. Any deposit held or owing by any utility made by a subscriber after January 1, 1960, to secure payment for, or any sum paid in advance for, utility services to be furnished in this state, excluding any charges that may lawfully be withheld, that has remained unclaimed by the person appearing on the records of the utility entitled thereto for more than seven years after the termination of the services for which the deposit or advance payment was made is presumed abandoned.

[1969 c 725 s 4]

345.35 UNDISTRIBUTED DIVIDENDS AND DISTRIBUTIONS OF BUSINESS ASSOCIATIONS. Any stock or other certificate of ownership, or any dividend, profit, distribution, interest, payment on principal, or other sum held or owing by a business

association for or to a shareholder, certificate holder, member, bondholder, or other security holder, or a participating patron of a cooperative, who has not claimed it, or corresponded in writing with the business association concerning it, within seven years after the date prescribed for payment or delivery, is presumed abandoned if:

(a) It is held or owing by a business association organized under the laws of or created in this state; or

(b) It is held or owing by a business association doing business in this state, but not organized under the laws of or created in this state, and the records of the business association indicate that the last known address of the person entitled thereto is in this state.

[1969 c 725 s 5; 1977 c 137 s 5]

345.36 PROPERTY OF BUSINESS ASSOCIATIONS AND BANKING OR FINANCIAL ORGANIZATIONS HELD IN COURSE OF DISSOLUTION. All intangible personal property distributable in the course of a voluntary dissolution of a business association, banking organization or financial organization organized under the laws of or created in this state, that is unclaimed by the owner within two years after the date for final distribution, is presumed abandoned.

[1969 c 725 s 6]

345.37 PROPERTY HELD BY FIDUCIARIES. All intangible personal property and any income or increment thereon, held in a fiduciary capacity for the benefit of another person is presumed abandoned unless the owner has, within seven years after it becomes payable or distributable, increased or decreased the principal, accepted payment of principal or income, corresponded in writing concerning the property, or otherwise indicated an interest as evidenced by a memorandum on file with the fiduciary if:

(a) the property is held by a banking organization or a financial organization or by a business association organized under the laws of or created in this state; or

(b) it is held by a business association, doing business in this state, but not organized under the laws of or created in this state, and the records of the business association indicate that the last known address of the person entitled thereto is in this state; or

(c) it is held in this state by any other person.

[1969 c 725 s 7; 1977 c 137 s 6]

345.38 PROPERTY HELD BY STATE COURTS AND PUBLIC OFFICERS AND AGENCIES. Subdivision 1. All intangible personal property held for the owner by any court, public corporation, public authority or public officer of this state, or a political subdivision thereof, that has remained unclaimed by the owner for more than seven years is presumed abandoned except as provided in section 524.3-914.

Subd. 2. This section shall not apply to property held for persons while residing in public correctional or other institutions. As to such persons, said property shall be presumed abandoned if it has remained unclaimed by the owner for more than seven years after such residence ceases.

Subd. 3. All intangible personal property held for the owner by any government or political subdivision or agency, that has remained unclaimed by the owner for more than seven years is presumed abandoned and is reportable pursuant to section 345.41, if:

(a) the last known address as shown on the records of the holder of the apparent owner is in this state; or

(b) no address of the apparent owner appears on the records of the holder; and

(1) the last known address of the apparent owner is in this state; or

(2) the holder is domiciled in this state and has not previously transferred the property to the state of the last known address of the apparent owner.

[1969 c 725 s 8; 1976 c 239 s 106; 1978 c 664 s 1]

345.39 MISCELLANEOUS PERSONAL PROPERTY HELD FOR ANOTHER PERSON. All intangible personal property, not otherwise covered by sections 345.31 to 345.60, including any income or increment thereon, but excluding any charges that may lawfully be withheld, that is held or owing in this state in the ordinary course of

the holder's business and has remained unclaimed by the owner for more than seven years after it became payable or distributable is presumed abandoned. Property covered by this section includes, but is not limited to: (a) unclaimed wages or worker's compensation; (b) deposits or payments for repair or purchase of goods or services; (c) credit checks or memos, or customer overpayments; (d) unidentified remittances, unrefunded overcharges; (e) unpaid claims, unpaid accounts payable or unpaid commissions; (f) unpaid mineral proceeds, royalties or vendor checks; and (g) credit balances, accounts receivable and miscellaneous outstanding checks.

[1969 c 725 s 9; 1977 c 137 s 7]

345.40 RECIPROCITY FOR PROPERTY PRESUMED ABANDONED OR ESCHEATED UNDER THE LAWS OF ANOTHER STATE. If specific property which is subject to the provisions of sections 345.32, 345.35, 345.36, 345.37 and 345.39 is held for or owed or distributable to an owner whose last known address is in another state by a holder who is subjected to the jurisdiction of that state, the specific property is not presumed abandoned in this state and subject to sections 345.31 to 345.60 if:

(a) it may be validly claimed as abandoned or escheated under the laws of such other state; and

(b) the laws of such other state make reciprocal provision that similar specific property is not presumed abandoned or escheatable by such other state when held for or owed or distributable to an owner whose last known address is within this state by a holder who is subject to the jurisdiction of this state.

[1969 c 725 s 10]

345.41 REPORT OF ABANDONED PROPERTY. (a) Every person holding funds or other property, tangible or intangible, presumed abandoned under sections 345.31 to 345.60 shall report annually to the state treasurer with respect to the property as hereinafter provided.

(b) The report shall be verified and shall include:

(1) except with respect to traveler's checks and money orders, the name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of any property of the value of \$10 or more presumed abandoned under sections 345.31 to 345.60;

(2) in case of unclaimed funds of life insurance corporations, the full name of the policyholder, insured or annuitant and his last known address according to the life insurance corporation's records;

(3) the nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, except that items of value under \$10 each may be reported in aggregate;

(4) the date when the property became payable, demandable or returnable, and the date of the last transaction with the owner with respect to the property; and

(5) other information which the state treasurer prescribes by rule as necessary for the administration of sections 345.31 to 345.60.

(c) If the person holding property presumed abandoned is a successor to other persons who previously held the property for the owner, or if the holder has changed his name while holding the property, he shall file with his report all prior known names and addresses of each holder of the property.

(d) The report shall be filed before November 1 of each year as of June 30 next preceding, but the report of life insurance corporations shall be filed before May 1 of each year as of December 31 next preceding. The state treasurer may postpone the reporting date upon written request by any person required to file a report.

(e) If the holder of property presumed abandoned under sections 345.31 to 345.60 knows the whereabouts of the owner and if the owner's claim has not been barred by the statute of limitations, the holder shall, before filing the annual report, inform the owner of the steps necessary to prevent abandonment from being presumed.

(f) Verification, if made by a partnership, shall be executed by a partner; if made by an unincorporated association or private corporation, by an officer, and if made by a public corporation, by its chief fiscal officer.

(g) Holders of property described in section 345.32 shall not impose any charges against property which is described in section 345.32, clauses (a), (b) or (c).

(h) Any person who has possession of property which he has reason to believe will be reportable in the future as unclaimed property may, with the permission of the state treasurer, report and deliver such property prior to the date required for reporting in accordance with this section.

[1969 c 725 s 11; 1977 c 137 s 8]

345.42 NOTICE AND PUBLICATION OF LISTS OF ABANDONED PROPERTY.

Subdivision 1. Within 120 days from the filing of the report required by section 345.41, the state treasurer shall cause notice to be published at least once each week for two successive weeks in an English language newspaper of general circulation in the county in this state in which is located the last known address of any person to be named in the notice. If no address is listed or if the address is outside this state, the notice shall be published in the county in which the holder of the abandoned property has his principal place of business within this state.

Subd. 2. The published notice shall be entitled "notice of names of persons appearing to be owners of abandoned property," and shall contain:

(a) the names in alphabetical order and last known addresses, if any, of persons listed in the report and entitled to notice within the county as hereinbefore specified;

(b) a statement that information concerning the amount or description of the property and the name and address of the holder may be obtained by any persons possessing an interest in the property by addressing an inquiry to the state treasurer; and

(c) a statement that if proof of claim is not presented by the owner to the holder and if the owner's right to receive the property is not established to the holder's satisfaction within 65 days from the date of the second published notice, the abandoned property will be placed not later than 85 days after such publication date in the custody of the state treasurer to whom all further claims must thereafter be directed.

The state treasurer is not required to publish in such notice any item of less than \$25 unless he deems such publication to be in the public interest.

Subd. 3. Within 120 days from the receipt of the report required by section 345.41, the state treasurer shall mail a notice to each person having an address listed therein who appears to be entitled to property of the value of \$25 or more presumed abandoned under sections 345.31 to 345.60. Said notice shall contain:

(a) a statement that, according to a report filed with the state treasurer, property is being held to which the addressee appears entitled;

(b) the name and address of the person holding the property and any necessary information regarding changes of name and address of the holder; and

(c) a statement that, if satisfactory proof of claim is not presented by the owner to the holder by the date specified in the published notice, the property will be placed in the custody of the state treasurer to whom all further claims must be directed.

Subd. 4. This section is not applicable to sums payable on traveler's checks or money orders presumed abandoned under section 345.32.

[1969 c 725 s 12]

345.43 PAYMENT OR DELIVERY OF ABANDONED PROPERTY.

Subdivision 1. Every person who has filed a report under section 345.41, within 20 days after the time specified in section 345.42 for claiming the property from the holder, or in the case of sums payable on traveler's checks or money orders presumed abandoned under section 345.32 within 20 days after the filing of the report, shall pay or deliver to the state treasurer all abandoned property specified in the report, except that, if the owner establishes his right to receive the abandoned property to the satisfaction of the holder within the time specified in section 345.42, or if it appears that for some other reason the presumption of abandonment is erroneous, the holder need not pay or deliver the property, which will no longer be presumed abandoned, to the state treasurer, but in lieu thereof shall file a verified written explanation of the proof of claim or of the error in the presumption of abandonment.

Subd. 2. The state treasurer may in his discretion determine that the payment of abandoned property presents a hardship for a cooperative. If the state treasurer determines that a hardship exists, he may permit the cooperative to provide payment in equal installments over a period of three years.

(a) If legitimate claims to property reported by the cooperative to the state treasurer exceed the installments paid, the excess shall immediately be paid by the cooperative to the state treasurer and that amount shall be deducted from the subsequent installments.

(b) This subdivision shall apply only to abandoned property for which reports were filed within 12 months after July 1, 1977.

[1969 c 725 s 13; 1977 c 137 s 9]

345.44 RELIEF FROM LIABILITY BY PAYMENT OR DELIVERY. Upon the payment or delivery of abandoned property to the state treasurer, the state shall assume custody and shall be responsible for the safekeeping thereof and for payment of any claim successfully brought against any holder on account of any abandoned property paid or delivered to the state treasurer. Any person who pays or delivers abandoned property to the state treasurer under sections 345.31 to 345.60 is relieved of all liability to the extent of the value of the property so paid or delivered for any claim which then exists or which thereafter may arise or be made in respect to the property by any claimant, including any state. The state indemnifies and holds harmless such person as against any such claim and any loss and damage related thereto, provided that such person shall notify the state treasurer of any legal proceedings against such person in relation to such claim within ten days after service of process upon such person and thus give the state an opportunity of defending such person in such proceeding. Any holder who has paid moneys to the state treasurer pursuant to sections 345.31 to 345.60 may make payment to any person reasonably appearing to such holder to be entitled thereto, and upon proof of such payment and proof that the payee reasonably appeared entitled thereto, the state treasurer shall forthwith reimburse the holder for the payment.

[1969 c 725 s 14]

345.45 INCOME ACCRUING AFTER PAYMENT OR DELIVERY. When property is paid or delivered to the state treasurer under sections 345.31 to 345.60, the owner is not entitled to receive income or other increments accruing thereafter.

[1969 c 725 s 15]

345.46 PERIOD OF LIMITATION NOT A BAR. The expiration of any period of time specified by statute or court order, during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or recovery of property, shall not prevent the money or property from being presumed abandoned property, nor affect any duty to file a report required by sections 345.31 to 345.60 or to pay or deliver abandoned property to the state treasurer.

[1969 c 725 s 16]

345.47 SALE OF ABANDONED PROPERTY. Subdivision 1. Except as provided in subdivision 3, all abandoned property other than money delivered to the state treasurer under sections 345.31 to 345.60 shall within one year after the delivery be sold by him to the highest bidder at public sale in whatever city in the state affords in his judgment the most favorable market for the property involved. The state treasurer may decline the highest bid and reoffer the property for sale if he considers the price bid insufficient. He need not offer any property for sale if, in his opinion, the probable cost of sale exceeds the value of the property.

Subd. 2. Any sale held under this section shall be preceded by a single publication of notice thereof, at least three weeks in advance of sale in an English language newspaper of general circulation in the county where the property is to be sold.

Subd. 3. Securities listed on an established stock exchange shall be sold at the prevailing prices on the exchange. Other securities may be sold over the counter at prevailing prices or, with prior approval of the state board of investment, by another method the state treasurer determines advisable. United States government savings bonds and United States war bonds shall be presented to the United States for payment.

Subd. 4. The purchaser at any sale conducted by the state treasurer pursuant to sections 345.31 to 345.60 shall receive title to the property purchased, free from all claims of the owner or prior holder thereof and of all persons claiming through or un-

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der them. The state treasurer shall execute all documents necessary to complete the transfer of title.

[1969 c 725 s 17; 1977 c 137 s 10]

345.48 DEPOSIT OF FUNDS. Subdivision 1. All funds received under sections 345.31 to 345.60, including the proceeds from the sale of abandoned property pursuant to section 345.47, shall forthwith be deposited by the state treasurer in the general fund of the state, except that he shall retain in a separate trust fund an amount not exceeding \$25,000 from which he shall make prompt payment of claims duly allowed by him as hereinafter provided. Before making the deposit he shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and of the name and last known address of each policyholder, insured person or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number, the name of the corporation and the amount due. The record shall be available for public inspection at all reasonable business hours.

Subd. 2. Before making any deposit to the credit of the general fund, the state treasurer may deduct: (a) costs incurred in connection with any sale of abandoned property, (b) any costs of mailing and publication in connection with any abandoned property, and (c) reasonable service charges. Any amounts so deducted shall be credited to a special account and are appropriated to pay costs required by the state treasurer for administration of this section.

[1969 c 399 s 1; 1969 c 725 s 18; 1976 c 331 s 41]

345.49 CLAIM FOR ABANDONED PROPERTY PAID OR DELIVERED. Any person claiming an interest in any property delivered to the state under sections 345.31 to 345.60 may file a claim thereto or to the proceeds from the sale thereof on the form prescribed by the state treasurer.

[1969 c 725 s 19]

345.50 DETERMINATION OF CLAIMS. Subdivision 1. The state treasurer shall consider any claim filed under sections 345.31 to 345.60 and may hold a hearing and receive evidence concerning it. If a hearing is held, he shall prepare a finding and a decision in writing on each claim filed, stating the substance of any evidence heard by him and the reasons for his decision. The decision shall be a public record.

Subd. 2. If the claim is allowed, the state treasurer shall make payment forthwith. The claim shall be paid without deduction for costs of notices or sale or for service charges.

[1969 c 725 s 20]

345.51 JUDICIAL ACTION UPON DETERMINATIONS. Any person aggrieved by a decision of the state treasurer or as to whose claim the state treasurer has failed to act within 90 days after the filing of the claim, may commence an action in the district court to establish his claim. The proceeding shall be brought within 90 days after the decision of the state treasurer or within 180 days from the filing of the claim if the state treasurer fails to act. The action shall be tried de novo without a jury.

[1969 c 725 s 21]

345.515 AGREEMENTS TO LOCATE REPORTED PROPERTY. It is unlawful for a person to seek or receive from another person or contract with a person for a fee or compensation for locating property which he knows has been reported or paid or delivered to the state treasurer pursuant to chapter 345 prior to seven months after the date of delivery of the property by the holder to the state treasurer as required by section 345.43.

No agreement entered into after seven months from the date of delivery of the property by the holder to the state treasurer is valid if a person thereby undertakes to locate property included in a report for a fee or other compensation exceeding ten percent of the value of the recoverable property unless the agreement is in writing and signed by the owner and discloses the nature and value of the property and the name and address of the holder thereof as such facts have been reported. Nothing in this section shall be construed to prevent an owner from asserting at any time that an agreement to locate property is based upon an excessive or unjust consideration.

[1977 c 137 s 11]

345.52 ELECTION TO TAKE PAYMENT OR DELIVERY. The state treasurer, after receiving reports of property deemed abandoned pursuant to sections 345.31 to 345.60, may decline to receive any property reported which he deems to have a value less than the cost of giving notice and holding sale, or he may, if he deems it desirable because of the small sum involved, postpone taking possession until a sufficient sum accumulates. Unless the holder of the property is notified to the contrary within 120 days after filing the report required under section 345.41, the state treasurer shall be deemed to have elected to receive the custody of the property.

[1969 c 725 s 22]

345.525 PROPERTY HAVING NO APPARENT COMMERCIAL VALUE. Property delivered to the state treasurer pursuant to chapter 345 which has no apparent commercial value shall be made available for inspection by the Minnesota historical society to determine if the property has any historical value. If the society judges any property to be of historical value, the state treasurer shall turn the property over to the society for safekeeping. If it is determined that property delivered to the state treasurer has no commercial or historical value he may thereafter destroy or otherwise dispose of the property, and in that event no action or proceeding shall be brought or maintained against the state or any officer thereof or against the holder for or on account of any action taken by the state treasurer pursuant to chapter 345 with respect to the property. The state treasurer shall keep a record of all items destroyed under this section including the name and address of the owner of the property and the person who delivered the property to him, the date of delivery, a description of the property destroyed and the date of destruction.

[1977 c 137 s 12]

345.53 EXAMINATION OF RECORDS. The state treasurer may at reasonable times and upon reasonable notice examine the records of any person if he has reason to believe that such person has failed to report property that should have been reported pursuant to sections 345.31 to 345.60.

[1969 c 725 s 23]

345.54 PROCEEDING TO COMPEL DELIVERY OF ABANDONED PROPERTY. If any person refuses to deliver property to the state treasurer as required under sections 345.31 to 345.60, or pay the interest provided for by section 345.55, subdivision 3, the state treasurer may bring an action in a court of appropriate jurisdiction to enforce such delivery or payment.

[1969 c 725 s 24; 1978 c 664 s 2]

345.55 PENALTIES. Subdivision 1. Any person who willfully fails to render any report or perform other duties required under sections 345.31 to 345.60, shall be guilty of a misdemeanor.

Subd. 2. Any person who willfully refuses to pay or deliver abandoned property to the state treasurer as required under sections 345.31 to 345.60 shall be guilty of a gross misdemeanor.

Subd. 3. In addition to any damages, penalties, or fines for which a person may be liable under other provisions of law, any person who fails to pay or deliver unclaimed property within the time prescribed by this chapter after written demand therefor by the state treasurer made after March 29, 1978, shall pay to the state treasurer interest at the rate of 12 percent per annum on the property or value thereof from the date of the written demand.

[1969 c 725 s 25; 1978 c 664 s 3]

345.56 RULES AND REGULATIONS. The state treasurer is hereby authorized to make necessary rules and regulations to carry out the provisions of sections 345.31 to 345.60.

[1969 c 725 s 26]

345.57 EFFECT OF LAWS OF OTHER STATES. Sections 345.31 to 345.60 shall not apply to any property that has been presumed abandoned or escheated under the laws of another state prior to July 1, 1969.

[1969 c 725 s 27]

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345.58 CUT OFF DATE. Except as to property required to be reported pursuant to Minnesota Statutes 1967, Sections 48.521 to 48.528, sections 345.31 to 345.60 shall not apply to property otherwise subject to sections 345.31 to 345.60 which became due or payable or which was in the possession of the holder before January 1, 1944.

[1969 c 725 s 28]

345.59 UNIFORMITY OF INTERPRETATION. Sections 345.31 to 345.60 shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

[1969 c 725 s 30]

345.60 CITATION. Sections 345.31 to 345.60 as enacted and hereafter amended, may be cited as the uniform disposition of unclaimed property act.

[1969 c 725 s 31]