

## POLICY FOR ACQUIRING TITLE TO ABANDONED PROPERTY

(See Appendix A for standard practices)

The Bisbee Restoration Association and Historical Society, Inc., ("the Restoration Association") shall comply with all applicable Arizona laws which govern the acquisition of title to abandoned property, as currently codified at A.R.S. § 44- 351, et seq., and as these statutes may be amended from time to time. There are two classes of property which may be subject to this process, property which is within the Restoration Association collection without documented title, and property which has been loaned to the Restoration Association by a donor who has not remained in contact with the Restoration Association.

### 1. Acquiring Title to Undocumented Property.

For property which the Restoration Association can verify that it has held for seven (7) years, pursuant to its own written records regarding its collection, with no record of any valid claim, loan, or contact from any person during that time period, the Restoration Association shall:

- a. Publish a notice once a week for two consecutive weeks in a newspaper of general circulation in Cochise County, which includes the following:
  - i. a brief, general description of the property.
  - ii. the date or approximate date of acquisition, if known.
  - iii. a notice of the intent of the Restoration Association to claim title if no valid claims are made within sixty-five (65) days from the date of the first publication.
  - iv. the name and address of the Restoration Association representative to contact for more information.
- b. If no valid claims have been made by the end of the sixty-five-day period, the Restoration Association shall publish a second notice for two consecutive weeks in a newspaper of general circulation in Cochise County, which includes the following:
  - i. a brief, general description of the property.
  - ii. the date or approximate date of acquisition, if known.
  - iii. Notice that the Restoration Association claims title to the property as of the date which is sixty-five days after the date of the first publication, described above in section a.
- c. Upon compliance with these notice requirements, clear and unrestricted title is transferred to the Restoration Association as of the date specified in a. iii. above, sixty-five days after the first publication. A lender has two years

from this date to bring an action against the Restoration Association to claim the property, and after the end of this two-year period, no such action may proceed.

## 2. Acquiring Title to Loaned Property.

For property which was loaned to the Restoration Association, and for which seven (7) years have passed since the expiration of the loan period without written contact between the lender and the Restoration Association, or for which there is no specific loan period and at least seven (7) years have passed since the last written contact between the lender and the Restoration Association occurred, the Restoration Association shall:

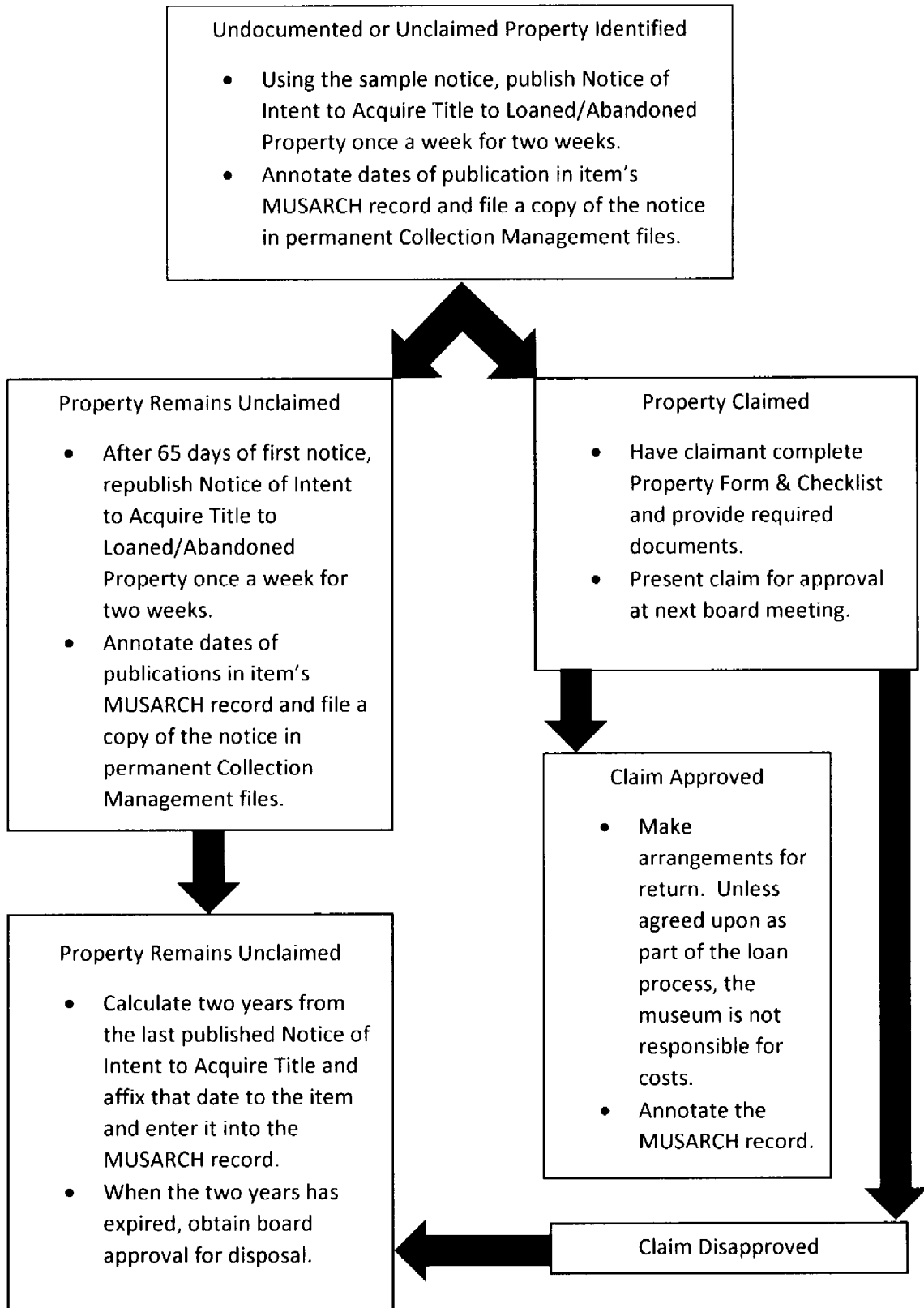
- a. Send a notice by certified mail, return receipt requested, to the lender's last known address. This notice shall include the following:
  - i. a brief, general description of the property.
  - ii. the date or approximate date of loan, if known.
  - iii. a notice of the intent of the Restoration Association to claim title if no valid claims are made within sixty-five (65) days from the date of the mailing of this notice.
  - iv. the name and address of the Restoration Association representative to contact for more information.
  - v. the lender's name and last known address.
- b. If proof of delivery of the certified mailing is received, but no valid claim for the subject property is made, the Restoration Association may acquire title to the subject property by sending a second notice by certified mail, return receipt requested to the lender's last known address. This notice shall include the following:
  - i. a brief, general description of the property.
  - ii. the date or approximate date of the loan, if known.
  - iii. notice that the Restoration Association claims title to the property as of the date which is sixty-five days after the date of the first notice, described above in section a.
  - iv. the lender's name and last known address.
- c. If proof of delivery of the certified mailing is not received within thirty days of the date the first notice was mailed, or if the Restoration Association has no last known address for the lender, the Restoration Association shall publish notice in the same manner as stated above for undocumented property. The first two published notices shall include the information stated in paragraph a, above, with the sixty-five-day period running from the date

of publication, and the second two notices, after that sixty-five-day period, shall include the information stated in paragraph b, above.

- d. Upon compliance with these notice requirements, clear and unrestricted title is transferred to the Restoration Association as of the date specified above, sixty-five days after the first publication or received notice. A lender has two years from this date to bring an action against the Restoration Association to claim the property, and after the end of this two-year period, no such action may proceed.

## Appendix A

### Standard Practices for Acquiring Title to Abandoned Property



-SAMPLE-

### Notice of Intent to Acquire Title to Loaned/Abandoned Property

The Bisbee Restoration Association and Historical Society, Inc. has in its possession certain personal property for which it cannot identify a clear record of the transfer of title for the property to this Museum, or cannot locate the current address of a lender, or successors in interest. The specific items of property are described below, together with the information which we have regarding the date of the loan or acquisition, if any, and the name and last known address of the lender, if any. Pursuant to A.R.S. 44-352 and 353, the Museum intends to claim title to this property if no valid claims are made for this property within 65 days from the date of the first publication of this notice. Any person who has a valid legal interest in this property must contact Jean Walker at (520) 378-2617 or P.O. Box 271, Bisbee, AZ 85603 to avoid the loss of this property.

[Item(s) Description]

## Property Claim Form & Checklist

Bisbee Restoration Association and Historical Society, Inc.

Claim No.
Date

Please be sure to attach copies of all necessary documentation. Please print clearly.

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### Part A – Information on Property Claimed – OFFICE USE ONLY

Original Owner Name:

Donate/Loan Date:

Type of Property:

Catalog Number:

### Part B – Claimant Information

Name of Claimant(s)

Complete Street and Mailing Address of Claimant(s)

Telephone Number:

Email:

Relationship to original owner

**Part C – Provide the following documents**

- Copy of your driver's license or other ID (Required)
- Letters of Administration:                       Small Estate Papers                       Court Order
- Copy of Death Certificates for:
- Other (Specify):

**Part D – Affidavit**

Under penalties of perjury, I (we) hereby certify that the foregoing information is true and correct. I (we) further certify that I (we) have not received any property claimed, are entitled to it and know of no other person who claims to be entitled to any portion. I (we) agree to indemnify The Bisbee Restoration Association and Historical Society, Inc. for any loss of claim whatsoever resulting from the fulfillment of this claim to me (us).

Signature of Claimant:

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Signature of Co-Claimant:

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**Part E – Disposition – OFFICE USE ONLY**

Claim Approved by Board

Claim Disapproved by Board

Date Approved:

Date Disapproved:

Reason for disapproval:

**Part F – Receipt of Claimed property**

I (we) acknowledge receipt of the item(s) listed in Part A.

Signature of Claimant:

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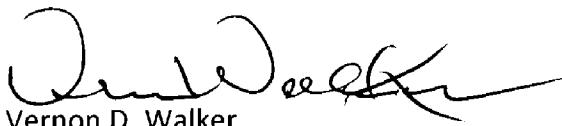
Signature of Co-Claimant:

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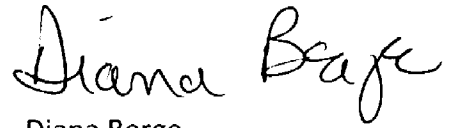
Date:



The Bisbee Restoration Association and Historical Society, Inc., Policy for Acquiring Title To Abandoned Property contained herein is approved September 16, 2017.




Vernon D. Walker  
President of the Board



Diana Berge  
Vice President



Jason Macoviak  
Secretary



Melva Dugie  
Treasurer