

**DOUGLAS COUNTY GOVERNMENT
POLICY FORM**

SUBJECT MISCELLANEOUS - OTHER	POLICY NO. IX. 1. 1
TITLE COUNTY DISPOSITION OF UNCLAIMED PROPERTY	APPROVAL DATE 06.30.92
	REVISION DATE 06.20.06

PURPOSE: To provide a policy for the administration and disposition of unclaimed property which is in the possession of, or under the control of, Douglas County.

DEPARTMENT RESPONSIBLE: Sheriff

DEPARTMENT(S) AFFECTED: All

POLICY:

In order to comply with Section 30-11-101(1)(i), C.R.S., which provides that a county is empowered to dispose of abandoned personal property acquired by an elected county official or county employee in performing official duties, and with House Bill 92-1152, which provides for unclaimed property to escheat to the State of Colorado, unless there is a local law providing for a governmental entity to retain and administer unclaimed property, the policy outlined below is hereby adopted. This policy shall not apply to property which is illegal to possess or which is under court order.

1. Definitions. Unless otherwise required by context or use, words and terms shall be defined as follows:

- a. "Unclaimed property" means any tangible or intangible property, including any income or increment derived therefrom, less any lawful charges, that is held by or under the control of the County and which has not been claimed by its owner for a period of more than 30 days after it became payable or distributable.
- b. "County" means the County of Douglas, Colorado.
- c. "Owner" means a person or entity, including a corporation, partnership, association, governmental entity other than this County, or a duly authorized legal representative or successor in interest of same, which owns unclaimed property held by the County.
- d. "Sheriff" shall mean the Douglas County Sheriff or designee thereof.

2. Procedure for disposition of property.

- a. For any unclaimed property which has substantial commercial value, the Sheriff shall send a written notice to the last known address, if any, of any owner of unclaimed property. The last known address of the owner shall be the last address of the owner as shown by the records of the County department or agency holding the property. The notice shall include a description of the property. The notice shall state where and within what time frame the owner may make inquiry of or claim the property.
- b. Where property of substantial commercial value remains unclaimed after providing written notice to the last known address of the owner, or where there is no last known address of the owner, the Sheriff shall cause a notice to be published in a newspaper of general circulation in the County. The notice shall include a description of the property. The notice shall state where and within what time frame the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the Sheriff with a written claim for the return of the property within thirty days of the date of the publication of the notice, the property shall become the sole property of the County and any claim of the owner to such property shall be deemed forfeited.
- c. If the Sheriff receives no written claim within the above thirty-day claim period, the property shall become the sole property of the County and any claim of the owner to such property shall be deemed forfeited.
- d. If the Sheriff receives a written claim within the thirty day claim period, the Sheriff shall evaluate the claim and give written notice to the claimant within thirty days thereof that the claim has been accepted or denied in whole or in part. The Sheriff may investigate the validity of a claim and may request further supporting documentation from the claimant prior to disbursing or refusing to disburse the property.
- e. In the event that there is more than one claimant for the same property, the Sheriff may, in the Sheriff's sole discretion, resolve said claims, or may deposit the disputed property with the registry of the District Court in an interpleader action.
- f. In the event that all claims filed are denied, the property shall become the sole property of the County and any claim of ownership of such property shall be deemed forfeited.
- g. Any legal action filed challenging a decision of the Sheriff with respect to unclaimed property shall be filed pursuant to Rule 106 of the Colorado Rules of Civil Procedure within thirty days of such decision or shall be forever barred. If any legal action is timely filed, the property shall be disbursed by the Sheriff pursuant to court order.
- h. The Sheriff is authorized to establish and administer procedures for the administration and disposition of unclaimed property consistent with this Resolution, including compliance requirements for other County officials and employees in the identification and disposition of such property.

3. Destruction or disposition of property having insubstantial commercial value.

If the Sheriff, in his sole discretion, determines after investigation that any unclaimed property has insubstantial commercial value, the Sheriff may destroy or otherwise dispose of such property at any time.