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Collections Management of Abandoned Items at Museums, Memorials and Monuments: Legal, Ethical and Moral Issues

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COLLECTIONS MANAGEMENT OF ABANDONED ITEMS AT MUSEUMS, MEMORIALS AND MONUMENTS: LEGAL, ETHICAL AND MORAL ISSUES

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South Orange, New Jersey
In partial fulfillment for the requirements for the
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COLLECTIONS MANAGEMENT OF ABANDONED ITEMS AT
MUSEUMS, MEMORIALS AND MONUMENTS:
LEGAL, ETHICAL AND MORAL ISSUES

Abstract

This thesis examines the predicament caused by abandoned objects at museums, memorials and other cultural institutions as well as the institutional and legal devices in place to handle such items. To begin, definitions of abandoned objects versus old loans will be explored. I will continue by discussing the motivations for abandonment and the future of found objects. The implied moral role of the museum as caretaker for these objects will be examined. Then the importance of and state of research concerning the topic of abandoned objects will be presented. Next, the results of a questionnaire devised by the author to examine the frequency and severity of this problem as well as the actions taken by these institutions will all be presented. Legal and institutional policies will be analyzed in relation to the general mission of the museum or cultural institution. In conclusion, recommendations of the best and worst ways for handling this situation and what to do with the items in question will be addressed. A series of Appendices are included for reference and additional information.

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Since their creation museums, monuments and memorials have had to deal with the problem of items abandoned on the doorsteps of their institutions. These objects are most often left with security guards or receptionists, hung on front doors, or left at memorial sites as a tribute. The fate and future of these objects in many cases is uncertain. How do institutions deal with these items from unknown sources? What state legislation and/or museum policy exists relevant to these practices?

This thesis examines the predicament caused by abandoned objects at museums, memorials and other cultural institutions as well as the institutional and legal devices in place to handle such items. To begin, definitions of abandoned objects versus old loans will be explored. I will continue by discussing the motivations for abandonment and the future of found objects. The implied moral role of the museum as caretaker for these objects will be examined. Then the importance of and state of research concerning the topic of abandoned objects will be presented. Next, the results of a questionnaire devised by the author to examine the frequency and severity of this problem as well as the actions taken by these institutions will all be presented. Legal and institutional policies will be analyzed in relation to the general mission of the museum or cultural institution. In conclusion, recommendations of the best and worst ways for handling this situation and what to do with the items in question will be addressed. A series of Appendices are included for reference and additional information.

Defining the terms

First a definition of “abandoned items” needs to be established. In the context of this thesis, the term “abandoned item” refers to those objects that have not been

solicited by the institution but have instead been simply left on the grounds or property of the institution. This situation is different from the circumstances surrounding “unclaimed loans” or “old loans”. The term “old loans” refers to loans or loans of unlimited duration left unclaimed by lenders who cannot be readily located by the museum.¹ Often, these objects come to the museum as loans under formal museum practice either for an exhibition or for temporary study. The lenders may have moved away and no forwarding information is available or they may have died and there is no information on any surviving heirs.

The term “abandoned item” also differs from that of “undocumented” or “found” items. “Undocumented item” refers to those objects that have been found in the institution, possibly in storage, with appropriate paperwork missing; generally there is a lack of any documentation as to how the object ended up in the institution. Usually no evidence is held by the museum that someone else owns these objects. “Rather the museums undisturbed possession for an extended period supports the assumption that ownership was transferred to the museum at the time the objects were acquired.”² This assumption of ownership is a notion that is directly applicable to abandoned objects.

Motivations for abandonment

One of the first questions that should come to mind is why do people leave items abandoned? What is the thought process behind this action? Is it a long deliberated act or a spur of the moment impulse? Since these items are “abandoned” it would be difficult to question an “abandoner”, but there are some conclusions that can be made.

¹ Rebecca Buck and Jean Allman Gilmore, The New Museum Registration Methods (Washington, DC: American Association of Museums, 1998), 296.

In order for an item to be found on an institution's property – be it a museum, historic or memorial site - the “abandoner” must have brought it to the site – thus the abandonment is a deliberate act. This idea of a “deliberate act” may become important later on when the institution is trying to establish ownership. Presumably, the individual was in an alert state of mind in order to get from his or her residence to the institution's site. Also, the fact that the item was found on the property implies that the placement was intentional on the part of the “abandoner”. The individual probably saw himself or herself as a “donor”.

With regard to objects left at historic and other cultural sites, the anonymous donors may or may not be trying to send a particular message. According to the questionnaire responses, many feel that these individuals are “just cleaning up and have no other place to put it”³; “they can't bear to throw it out”⁴; or they believe it could be valuable”⁵. The majority of the items reported as abandoned have “no real value or historic interest”⁶. On occasion, it was mentioned that a valuable rare book or old photograph has been among those items left, but the overall burden that the abandoned items create does not balance financially in the end. Yi-Fu Tuan tells us in *The Significance of the Artifact* that, “diaries and photographs in the family album are

² Rebecca Buck and Jean Allman Gilmore, *The New Museum Registration Methods* (Washington, DC: American Association of Museums, 1998), 296.

³ Pamela Fosdick, Executive Director, Montclair Historical Society, Montclair, New Jersey, responding to questionnaire sent by author in May 1999.

⁴ Melissa Heyman, Curator, Campbell Historical Museum, San Jose, California, responding to questionnaire sent by author in May 1999.

⁵ Ellen Holdorf, Registrar, Dallas Historical Society, Dallas, Texas, responding to questionnaire sent by author in May 1999.

⁶ Deborah Cooper, Museum Collections Coordinator, Oakland Museum of California, Oakland, California, responding to questionnaire sent by author in May 1999.

intended as records. We take them out periodically for the express purpose of savoring the past.”⁷ Leaving these same items at an historic house may be to some people a way of holding onto this past without being directly responsible for the care and storage of the items themselves.

Another group of respondents felt that whoever left the objects did not really believe that they were doing anything wrong and that it is the responsibility of certain types of institutions to care for such items. Many members of the general public associate a moral responsibility for such items with museums. One summarized her opinion by saying that it is “mostly people regretting having collected it in the first place; and felt that a museum collects everything so why not.”⁸

When a person leaves an object at a memorial or church, it is very often said to be a communication with a person that he or she lost. According to John Wheeler, Chairman of the Vietnam Veterans Memorial Fund (1979 – 1989), “Each object [left at the Vietnam Veterans Memorial in Washington, DC] is a reaching out from the living to the dead, an attempt to heal the wounds.”⁹ Durey Felton, a National Park Service Museum Technician and Vietnam Veteran noted that “understanding the significance of every object becomes still more difficult when the visitors from around the world leave items important to them.”¹⁰ “Grief radiates from the countless letters to the dead and

⁷ Yi-Fe Tuan, “The Significance of the Artifact,” *American Geographical Review* (1980, Vol. 70 No. 4): 469.

⁸ Deborah Slaney, Registrar, Heard Museum, Phoenix, Arizona, responding to questionnaire sent by author in May 1999.

⁹ “Vietnam Memorial Gathering Its Own Art Exhibit,” *The New York Times* (November 10, 1991): B6.

¹⁰ Susan Walker, “The Vietnam Veterans Memorial And MARS Dedicated To Keeping The Memories Alive,” *The Stars and Stripes – The National Tribune* (15 January 1990): 9.

the cases of flags, medals and uniform pieces; you look into this country's heart when you see them."¹¹

In the book Carried to the Wall by Kristin Ann Hass, the author infers that there are countless reasons for leaving items at the Vietnam Veterans Memorial. "It is nearly impossible to know anything about the donors except that they felt strongly enough to leave their things. It is most often impossible to know even for whom an object was left...but not every object is left for specific individual."¹² Often "the memorial acts as a clearinghouse [of signs and artifacts] for political protests and celebrations in Washington."¹³ "Why would someone leave a full size sliding glass door at the memorial?"¹⁴ Mystery surrounds these objects.

David Guynes, curator for the Museum and Archeological Regional Storage Facility (MARS), compares this phenomenon at the Vietnam Veterans Memorial (dedicated 1982) with the wells in Celtic Western Europe. "Certain wells were thought to be entrances to the underworld. When the Romans invaded Western Europe, they found these wells stuffed full of valuable objects, votive offerings. The Celts communicated with the dead by throwing valuable objects into these sacred wells."¹⁵

¹¹ Vietnam Memorial Gathering Its Own Art Exhibit," *The New York Times* (November 10, 1991): B6.

¹² Kristin Ann Hass, Carried to the Wall, (Berkeley and Los Angeles, California: University of California Press, 1998), 23.

¹³ Ibid.

¹⁴ Ibid., 24.

¹⁵ James Carman, "Reflections of War," *National Parks* (March/April 1986): 24.

Future of Found Objects

These items left at the Vietnam Veterans Wall [Washington, DC] are collected weekly by the National Park Service (NPS).¹⁶ When this overwhelming phenomenon began, the NPS did not know what to do with the letters and other objects. What officials did know is that they did not feel that it was their place to discard items left at the War Memorial. "Currently a 30-day waiting period has been set down to establish the NPS legal ownership. Anyone can reclaim an object left at the memorial during this time; so far no one has."¹⁷ The only inquiries that have been made involve people that want to donate something directly to the memorial. As of now, the only way one can "donate" to the memorial is by leaving an object at the Wall.¹⁸

Originally built to worship, El Santuario (The Shine) in Chimayo, New Mexico, is the home of thousands of new objects every month. Referred to as the "Lourdes of America" this National Historic Landmark nestled in the Sangre de Cristo Mountains, draws close to 300,000 visitors a year. "They come to worship...to ask for peace in the world and in their hearts, to fulfill a promise."¹⁹ To address the situation of thousands of items a year, the Archdiocese of Santa Fe has had to put up notices and disclaimers on their brochures. It states that "pictures, statues, and other items left at the Santuario, will be removed from the chapel at the discretion of the Pastor."²⁰

¹⁶ James Carman, "Reflections of War," *National Parks* (March/April 1986): 24

¹⁷ Ibid.

¹⁸ After the 1992 exhibit of things collected at the VVM at the National Museum of American History the NPS was concerned that people would begin to leave items for the collection rather than for the dead or themselves. The concern was well founded; after the exhibit people began to bring items to the Memorial with notes attached, granting the HPS permission to exhibit and publish.

¹⁹ Pamphlet picked up by author at the El Santuario de Chimayo in New Mexico in 1996.

²⁰ Posting on the wall of the chapel at El Santuario de Chimayo in New Mexico, 1996.

The same can be said about the Western Wall/Wailing Wall in Jerusalem. Since the early 1970's, visitors have rolled up prayers (Kvitel) and messages addressed to "God" and other religious figures and placed them in the cracks in the Wall.

God, Pray for the well-being of Jerusalem
May those who love you be at peace
May there be well-being within your walls
And peace within your citadels (Psalms 122)²¹

These written communications are periodically removed and buried. The thought behind this is that anything with God's name on it cannot be thrown away; if it can no longer be used it has to be buried or stored.

Importance of Provenance

One of the main difficulties with items that have been left is that its provenance is missing. Oftentimes where an object came from and its history is more important than the actual object. For example, in the Dining Room at the Israel Crane House in Montclair, New Jersey, a painting of a child hangs over the fireplace. At first glance it appears to be a young girl, with long curly hair, wearing a blue dress holding dog on her lap. Without some sort of history or additional information it cannot be placed within its' proper context. Upon closer examination though, the viewer may learn that the painting is actually that of a young boy age 4 or 5. It could be of an enhanced value, but without a definite history it stands alone with minimal value. By referencing the provenance records for this painting, a visitor would learn that the painting is a portrait of Martha Washington's grandson from her first marriage. Knowing this, it makes both the value

²¹ Sample message left at the Western Wall in Jerusalem. 1996-2000 Virtual Communities Inc.virtualjerusalem.com.

and importance of the object increase. As in this case, objects may have a story to tell but without a provenance it will never surface.

For a museum to make up a story surrounding an object is sometimes intriguing but one will never know the accuracy of this “new found” object history. In a response from the curator of the Moose Jaw Art Museum in Saskatchewan, Canada, she states how just this happened. “We recently received a donation left in a plastic bag hanging from our front door knob. It contained baby clothes and a high school graduation program from a small town 50 miles away from the 1950’s. Everyone on the collections committee had a theory about why we had been given these things in this way and what the gift meant. I concluded that a woman had a baby in the 1950’s and did not graduate from high school.”²² Ms. Smith goes on to say that “the gift was accepted into the collection from the unknown donor and the mystery and story surrounding these items will remain a legend in the museum.”²³

Museums as Caretakers

These stories are amusing and potentially useful in an educational sense²⁴, so why shouldn’t a museum or other institution just keep these items and tell more stories? Although some creative uses for abandoned objects may be found, generally each of these objects carries along with it a time and financial burden. Even though many times

²² Heather Smith, curator, Moose Jaw Art Museum, Saskatchewan, Canada, responding to questionnaire sent by author in May 1999.

²³ Ibid.

²⁴ The creativity that was applied to this collection of items could be incorporated into a museum education program where students could be asked to invent their own stories around not only abandoned items but any other museum object as well.

there is no legal title held by the institution, there is still an implied moral sense to care for the object. This includes storage space, record maintenance, climate control, security, insurance, etc. These responsibilities take both time and money to complete, time and money possibly better spent on items clearly owned by the institution. One respondent summed up the problem by saying that “the pursuance of abandoned property can be costly and time consuming and is done [when time and monetary funds allow] on a case to case basis.”²⁵

It is agreed upon in museum, religious and cultural communities that there is an implied moral responsibility for these groups to safeguard objects left within their custody whether they have been solicited or not. A museum applies the same standards of care to these objects as it would its own, thus draining its limited resources of time, money and space.

Most museums have developed written policies for the management and care of their collections. “A collections management policy is a detailed written statement that explains why a museum is in operation and how it goes about its business. The policy articulates the museum’s professional standards regarding objects left in its care [permanently or loaned] and serves as a guide for the staff and as a source of information for the public.”²⁶ It takes into account the overall mission of the institution while specifically discussing parameters for the use and care of objects owned by and loaned to the museum. Since abandoned objects do not neatly fit into either category, museums most often err on the side of caution and treat the object as a member of its

²⁵ Rebekah Marshall, Indianapolis Museum of Art, Indianapolis, Indiana, responding to questionnaire sent by author in May 1999.

collection. According to the Code of Ethics for Museums, “the museum ensures that...collections in its custody are protected, secure, unencumbered, cared for, and preserved.”²⁷

A review of responses to the questionnaire developed by the author provides a look at the significance of this problem. Internal policies for handling this problem are scarce and, in most cases, professionals make their current old loan policies applicable to the abandoned objects. The fate of these objects is as diverse as the legislation available from state to state. Additional comments shed some light on the issues related to abandoned objects and the potential in the cultural community to address this problem.

²⁶ Marie C. Malaro, A Legal Primer on Managing Museum Collections, (Washington, DC: Smithsonian Institution Press, 1998), 46.

²⁷ American Association of Museums, A Code of Ethics for Museums, (Washington, DC: American Association of Museum, 1994), 8.

QUESTIONNAIRE

Development

Although the issue of abandoned objects is one faced by a number of institutions, relatively little has been written on the subject. Most of the information available discusses either old loans or found objects.²⁸ Because of this lack of published information directly dealing with the subject of items being abandoned, I developed a one-page questionnaire and accompanying letter (see Appendix I and II) to send to a variety of organizations nationwide. With this I hoped to learn more about how organizations dealt with objects being orphaned at their doorsteps.

Distribution

The letter and questionnaire were distributed to 537 individuals throughout the United States in the spring of 1999. Fifty percent were sent via electronic mail while the remainder was sent U.S. Postal Service. 481 of the 537 individuals were listed as members of the Registrar's Committee of the American Association of Museums (RC-AAM).²⁹ The remaining 56 individuals were listed as members of regional museum associations, specifically the Western Museums Association³⁰ and Southeastern

²⁸ Additional information on old loans can be found in....

²⁹ Registrars Committee (RC-AAM) fosters understanding, communication, and cooperation among registrars and other museum professionals, increases professionalism through training, education, and promotion of high standards, and coordinates the exchange of new ideas.

³⁰ The Western Museums Association (WMA) is a nonprofit organization dedicated to serving museums, museum professionals, and related institutions and individuals by providing vision, enrichment, intellectual challenge, and a forum for communication and interaction. Promotes, and supports the role of museums in bettering and enriching the diverse and dynamic cultural life of the Western United States.

Museums Conference³¹. The majority of these individuals were registrars, curators and collections managers in museums and other cultural institutions. These groups were targeted because they are usually the professionals charged with the responsibility for objects within institutions, those that must decide whether or not an object is worth keeping. Most often they are the ones approached by other staff members regarding these issues because they deal with the museum collection management policy and are knowledgeable about state mandates.

Beside direct mail and electronic mail the letter and questionnaire were posted on the Museum-L discussion list on the World Wide Web (See Appendix III).³² Museum-L is a discussion list for subscribers who are interested in topics related to museums and other cultural institutions. In addition, *SERA NEWS (Southeastern Registrars Association Newsletter)*, Registrar's Request section ran a mention about the questionnaire and research that I was conducting (See Appendix IV).

Responses

Thus, the questionnaire was sent primarily to the registrars of a variety of institutions throughout the 50 United States and to a few individuals in Puerto Rico and Canada. I received responses from individuals in 37 of the 50 states as well as in Puerto Rico and Canada. The numeral in parenthesis indicates the number of responses received from each state or country. These include:

³¹ The Southeastern Museums Conference fosters professionalism, mutual support and communication among its members and the larger museum community. A nonprofit membership organization, SEMC strives to increase educational and professional development opportunities, improve the interchange of ideas and information and encourage respect and collegiality.

³² Fifty percent were sent via electronic mail while the remainder was sent U.S. Postal Service.

Alabama (1)
Arkansas (2)
Colorado (4)
Delaware (1)
Georgia (2)
Indiana (3)
Kansas (1)
Maine (1)
Massachusetts (10)
Michigan (1)
Missouri (1)
New Jersey (3)
New York (8)
Ohio (2)
Oregon (1)
Tennessee (3)
Vermont (2)
Washington (2)
Wyoming (1)

Arizona (4)
California (13)
Connecticut (1)
Florida (1)
Illinois (4)
Iowa (3)
Louisiana (1)
Maryland (3)
Minnesota (2)
Mississippi (1)
Montana (2)
New Mexico (1)
North Carolina (1)
Oklahoma (1)
Pennsylvania (2)
Texas (9)
Virginia (3)
Wisconsin (3)

Puerto Rico (1)

Canada (2)

Though individuals in the following thirteen states received questionnaires, there was no response.

Alaska
Idaho
Nebraska
New Hampshire
Rhode Island
South Dakota
West Virginia

Hawaii
Kentucky
Nevada
North Dakota
South Carolina
Utah

A total of 107 questionnaires were returned.

Results

In response to the first question of the questionnaire (Appendix II) "have individuals left or abandoned objects at your facility at any time?" 56% of those polled responded YES; 34% responded NO; 10% responded that the questionnaire was not applicable.

The types of items described as abandoned are widely varied. Certain types of museum and institutions listed many of the same type of objects. Historical museums listed books, antique clothing, records, newspapers, photographs, furniture and historical objects having been left at their institutions as being abandoned. Living history farms and re-enactment sites listed live animals, agricultural and other tools as well as utilitarian and household objects. Military museums and memorials listed military items, training manuals, real and silk flowers, poems and personal letters, holiday cards and military equipment. Traditional art museums and general museums listed as abandoned the following objects: decorative art objects, coins, glassware, insignificant paintings and furniture.

The frequency with which objects are left varies from as much as weekly, to monthly to once every few years. The most frequently noted time period was four to five times a year. Though this may not seem like a large number of objects, one needs to consider how many items would accumulate over a 50-year period.

Of the 96 people who responded YES or NO to question #1, 59% responded NO when asked if their institution had a policy in place for handling this. Most of this group felt that there should be an enforceable policy for this practice but at this juncture there was not. The Bauer Museum of Art (Valparaiso University, Indiana) is one institution

that is currently working on its first collection management policy and stated “though the first draft does not include provisions for abandoned objects its inclusion is being discussed.”³³ A respondent from the Walker Art Center (Minneapolis, MN) stated that “we are in the process of revising our collections management policy regarding acquisition policies and procedures and will add a clause re[garding] abandoned property.”³⁴ Many stated that their collection management policies discourage items from being left on their grounds but there are instances when it cannot be avoided. For the 41% that responded YES, they explained that their collection management policies forbid items being left without consent and that a Deed of Gift form must be received with every gift.³⁵ I argue that this does not preclude items from being left when no one is present.

When asked what is done with these objects, again the representatives of the institutions offered a variety of answers. How do smaller museums and other institutions deal with this problem? Many responses stated that the objects should: 1) be held for an undetermined number of years and then disposed of or 2) be sold at yearly auction to raise funds for archival materials and acquisitions or 3) be retrieved by the local Humane Society (refers to animals and livestock) or 4) be thrown away as soon as they are discovered or 5) be held on to until such time as the staff can begin to locate potential owner(s) or start proper procedures for acquiring title.

³³ Christy Grevera, Registrar, Bauer Museum of Art, Valparaiso University, Indiana, responding to questionnaire sent by the author in May 1999.

³⁴ Gwen Bitz, Registrar, Walker Art Center, Minneapolis, Minnesota, responding to questionnaire sent by the author in May 1999.

³⁵ For examples of Deed of Gift forms see Kenneth Perry, The Museum Forms Book, (Austin, TX: Texas Association of Museums, 1990), 116 – 118.

In the above paragraph the common responses to “what does your institution do with these objects?” were put forth. Some additional responses included:

We make an immediate decision as to whether they will be accessioned or given to another department.³⁶

Use them in our Education Department.³⁷

Put them in a drawer in the reception area.³⁸

As a living history farm, we use any suitable tools.³⁹

Accession the items that are relevant and significant enough to become part of the collection; the rest are given away.⁴⁰

Unwanted books are sometimes sold in our gift shop.⁴¹

Sometimes they take up shelf space for along time.⁴²

One can conclude that there are as many ways for handling this situation, as there are different types of museums, memorials and cultural institutions. It should be noted that the specific ways in which these types of items are dealt with differ from institution to institution. It is up to each individual to assess his or her needs and

³⁶ Jackie McConachie, Associate Registrar, New Mexico Museum of Natural History, Albuquerque, New Mexico, responding to questionnaire sent by author in May 1999.

³⁷ Carolyn Reno, Collections Manager, Shiloh Museum of Ozark History, Springdale, Arkansas, responding to questionnaire sent by author in May 1999.

³⁸ Neil W. O'Brien, Registrar, The Dixon Gallery and Gardens, Memphis, Tennessee, responding to questionnaire sent by author in May 1999.

³⁹ Sandra Byard, Site Manager, Long Street Farm – Monmouth County Park System, Monmouth, New Jersey, responding to questionnaire sent by author in May 1999.

⁴⁰ Bruce Weilepp, Museum Director, Pacific County Historical Society, Southbend, Washington, responding to questionnaire sent by author in May 1999.

⁴¹ James C. Kelly, Assistant Director Museum Programs, Virginia Historical Society, Richmond, Virginia responding to questionnaire sent by author in May 1999.

⁴² Sheila Kollasch, Curator/Registrar, Desert Caballeros Western Museum, Wickenburg, Arizona, responding to questionnaire sent by author in May 1999.

available resources to deal with these situations. Institutions with a large staff and ample storage space may be at an advantage when making decisions about abandoned objects. Smaller institutions may simply not have the staff, space or financial resources to even consider any type of investigation of or research about these objects.

When asked to explain any state or municipal legislation pertaining to this matter, many respondents listed “old loan/unclaimed loan legislation” as being applicable to abandoned objects. This was usually followed by a comment that these are the best guidelines available presently or that these could be applied to abandoned property. It is easy to conclude that there is very little direct legislation pertaining to this exact problem. The “old loan/unclaimed loan legislation” is certainly a place to start but most professionals agree that it is certainly not the easy solution to this complicated and overwhelming problem. Many respondents favored internal policies for dealing with the issue of abandoned objects over additional legislation.

Additional comments and suggestions were solicited at the bottom of the questionnaire and in many circumstances the respondents did elaborate. Many sent copies of the old loan/unclaimed loan policy section of their collection management policy (See Appendix V).⁴³ Others sent copies of their state’s Old Loan legislation. Still others made their own observations and comments. Some of these included: interest in my findings from this research, a notation that this type of policy has always been talked about as being needed but has never been added, and that time is so valuable

⁴³ For additional information of Collections Management Policies, see Buck, Rebecca A. and Jean Allman Gilmore. The New Museum Registration Methods. Washington, DC: American Association of Museums, 1998.

that more often than not these items just work themselves out; or in other words they get lost or abandoned once again.

Overall the questionnaires reaffirmed my notion that the problem of objects being abandoned at museums and other cultural sites does exist and that there are many different points of view on how to handle this situation. A selection of sample questionnaires that were returned can be found in Appendix VI. Most often a limitation on resources available seems to be the deciding factor on the how institutions handle this objects. Many individuals, with some exceptions, see the need for an abandoned object policy but most have not instituted steps toward the creation of one.

While, many respondents favored internal policies for dealing with the issue of abandoned objects over additional legislation. A closer view at the variety and extent of state legislation available should confirm and explain this reasoning.

APPLICABLE LEGISLATION

This section discusses questions and comments that were raised in the questionnaire with regard to state statutes and legislation concerning abandoned or unclaimed property. Often, respondents noted that there was unclaimed loan legislation in place but they were not aware of any statutes and/or legislation that applied directly to abandoned property. Section one lists and discusses briefly those states that have unclaimed loan legislation directly related to museums. Section two discusses states that have either statutes and/or other legislative material applicable to abandoned property in museums. Appendix VII contains some of the best examples of written legislation for both old loans in particular and abandoned/unclaimed property in general.

Section One:

Unclaimed Loan Legislation

Since 1980, twenty-eight states⁴⁴ have enacted some type of museum unclaimed loan legislation.⁴⁵ This legislation differs from state to state. In some states, i.e. Alabama, the unclaimed loan legislation applies only to the Department of Archives;⁴⁶ in North Carolina, the legislation applies only to particular state museums.⁴⁷

⁴⁴ According to Marie C. Malero, A Legal Primer on Managing Museum Collections (Washington, DC: Smithsonian Institution Press, 1998) that number is at thirty, not twenty-eight.

⁴⁵ Mary Lohrenz, "Legal Solutions to Unclaimed Loans", *SERA NEWS (Southeastern Registrars Association Newsletter)*, Legal Issues, Summer 1999, 1.

⁴⁶ Alabama. Alabama Code, 1999.

⁴⁷ North Carolina. General Statutes, Annotated, 1999.

Many other circumstances and situations are applicable in certain states. The current list of states with “old loan” legislation is listed below.

Alabama	Arizona
California	Colorado
Florida	Illinois
Indiana	Iowa
Kansas	Kentucky
Louisiana	Maine
Michigan	Mississippi
Missouri	Montana
Nevada	New Hampshire
New Mexico	North Carolina
North Dakota	Oklahoma
Oregon	South Carolina
South Dakota	Tennessee
Texas	Washington
Wisconsin	Wyoming

In 1998, the Illinois Association of Museums, published a technical leaflet entitled “How to...Work With the Museum Disposition of Property Act”.⁴⁸ This was published to make museums aware of this new legislation. Additionally it was stated that “museums do not have to take advantage of the procedures outlined in the law. But they are now in place, should any museum choose to establish clear title to property in their collection.”⁴⁹ A requirement of the law is that “all museums must notify all lenders at the time of the loan that the loan is governed by the provisions of the law.”⁵⁰ This requirement renders that law not applicable to abandoned objects. This only reaffirms

⁴⁸ Marie C. Malaro, *A Legal Primer on Managing Museum Collections* (Washington, DC: Smithsonian Institution Press, 1998). See Chapter VII: “Unclaimed Loans” or consult your counsel.

⁴⁹ Mary Turner, *How to...Work With the Museum Disposition of Property Act* (Springfield, IL: Illinois Association of Museums, July, 1998), 1.

⁵⁰ *Ibid.*

the fact that circumstances surrounding abandoned objects are repeatedly overlooked and that the impact that these items have on institution's resources is thus ignored.

One should also note that in 1994, the Mid-Atlantic Association of Museums - Registrars Committee worked with Ildiko P. DeAngelis, Assistant General Counsel of the Smithsonian Institution, and Maria C. Malaro, then Director of the George Washington University graduate program in museum studies, to develop a Model Museum Unclaimed Property Law. "The Model Museum Unclaimed Property Law defines 'unclaimed property' as 'property meeting the following two conditions (1) property is on loan to the museum; (2) the original lender, or anyone acting legitimately on the lender's behalf, has not contacted the museum for at least 25 years from the date of the beginning of the loan, if the loan was for an indefinite period of time, or for at least five years after the date upon which the loan for a definite period [of time] expired."⁵¹ The legislation goes on to state that it "purposely excludes undocumented objects which are objects found in the museum collection without documentation as to how these objects were acquired."⁵² Again the significance of the problem and the overwhelming need for legislation directly related to abandoned property is ignored. This law not only discounts abandoned objects; it emphasizes the idea that most institutions and organizations disregard this property as something to be dealt with.

⁵¹ Mary Lohrenz, "Legal Solutions to Unclaimed Loans", *SERA NEWS (Southeastern Registrars Association Newsletter)*, Legal Issues, Summer 1999, 1.

⁵² *Ibid.*

Section Two:

Abandoned Property Legislation

If one were to compare the guidelines for abandoned property legislation with those for unclaimed/old loan legislation, many similarities would be noted but often the differences are greater. Oftentimes, abandoned property is a sub-category of old loans/unclaimed loans. Rarely does the legislation apply only to abandoned property. In reading the legislation from each state, there are even more discrepancies to be considered.

Time Requirements

Much of the state legislation has strict time requirements that must be adhered to. These are often waiting periods before the institution can do anything with the abandoned objects. For example, in Indiana an object "is conclusively presumed as a gift to the museum, if its ownership is not claimed by a person within ninety (90) days of its discovery."⁵³

New Hampshire requires that "any property held by a museum within the state, other than by terms of a loans agreement, that has been held for five (5) years or more and has remained unclaimed shall be deemed to be abandoned".⁵⁴

In Arizona, "a museum may acquire title to undocumented property held in a museum for seven (7) years or longer, verifiable through written records, with no claim or contact by any person."⁵⁵

⁵³ Indiana. Statutes, Annotated (West Group, 1999).

⁵⁴ New Hampshire. Statutes, Annotated (Lexis, 1999).

⁵⁵ Arizona. Revised Statutes, Annotated (West Group, 1999).

In Louisiana, “any property which has been deposited with the Louisiana State Exhibit Museum, by loan or otherwise, and which has been held by the museum for more than ten (10) years, and to which no person has made claim shall be deemed abandoned”⁵⁶. Only after this ten-year waiting period, can the museum then begin to acquire title.

Tennessee requires “the property shall have been deposited with a museum, historical society, or similar not-for-profit institution for a period of at least twenty (20) years.”⁵⁷

In Michigan, “a museum gains title to undocumented property that has been in the possession of the museum for thirty-five (35) or more consecutive years.”⁵⁸

But even after all this waiting, the majority of state legislation then demands that further waiting and notification requirements must be met.

A brief examination of this individual section of the state legislation reveals time requirements from varying from 90 days or 3 months to 35 years. It seems that there needs to be a compromise somewhere in between.

Notification Requirements

The majority of state legislation requires that there be an active attempt to notify the original owner or “abandoner” of the object/property. Washington’s legislation offers an extreme attempt to contact the owner. This legislation is very similar to the requirements for many other states in regards to abandoned property. It is outlined as follows:

⁵⁶ Louisiana. Revised Statutes, Annotated (West Group, 1999)

⁵⁷ Tennessee. Code, Annotated (The State of Tennessee, 1955-1998).

the museum or society shall publish notice, at least once each week for two consecutive weeks, in a newspaper of general circulation in both the county in which the museum is located and the county in which the last known address, if available, of the owner is located.

The published notice shall contain:

- (a) A description of the unclaimed property;
- (b) The name and last known address of the owner;
- (c) A request that all persons who may have any knowledge of the whereabouts of the owner provide written notice to the museum or society; and
- (d) A statement that if written assertion of title is not presented by the owner to the museum or society within ninety days from the date of the second published notice, the property shall be deemed abandoned or donated and shall become the property of the museum or society.⁵⁹

A few states, including Michigan, differ from the above requirements. As noted above, Michigan's Legislative waiting period was the highest at thirty-five (35) years.

But then Michigan states that "undocumented property that is unclaimed after being in the museum's possession for 35 years becomes the property of the museum as provided by law."⁶⁰ The law does not require the museum to provide any further public notice concerning the museum disposition.

In Missouri, a notice of acquisition of title needs only be advertised in a paper of high circulation once. The post must contain substantially the following information:

"The records of (name of museum) do not indicate the owner of record of certain property in its possession. The museum intends to acquire title to the property described below: (general description of the property). If you claim ownership or other legal interest in this property you must contact the museum in writing, establish your ownership of the property, and make arrangements to collect the property. If you fail to make written contact within ninety days after the date of this notice, you will be considered to have waived any claim you may have to the property."

If a person does not respond to the notice of acquisition of title to undocumented property within ninety days after the date of the last notice by filing a notice of intent to

⁵⁸ Michigan. Compiled Laws, Annotated (West Group, 1999).

⁵⁹ Washington. Revised Code of Washington, Annotated (West Group, 1999).

⁶⁰ Michigan. Compiled Laws, Annotated (West Group, 1999).

preserve an interest in property on loan, the museum's title to the property shall become incontestable under section 184.116.⁶¹

With this legislation, Missouri is making an attempt to notify and potential “abandoner” but at the same time it is taking into consideration the limited resources available to continually advertise for abandoned objects.

Legislative Outcome

Once the time and the notification requirements have been met by institutions in states with the aforementioned legislation and no individual has proven to have a claim on the object, it legally becomes the property of the institution. It is at this point that the item is then treated as part of the collection and therefore is subject to the same standards as any other museum object. This means that if the institution sees fit the object might be deaccessioned. “Deaccessioning is the process used to remove permanently an object from a museum’s collection.”⁶² This could be done for a variety of reasons. It could be determined that the object does not fit into the mission of the institution or that it is an object of poor quality and higher quality objects are already in the collection. After all that time and effort, many museums will do just this.

Other museums will not officially accession the items into their collections which makes deaccessioning obsolete. Instead they will try to rid themselves of the object in any way possible. This could include giving it to another institution, throwing it out or selling it at auction or at a flea market. All of these avenues are very common.

⁶¹ Missouri. Missouri Statutes, Annotated (Vernon, 1999).

⁶² Marie Malaro, A Legal Primer on Managing Museum Collections. Washington, DC: Smithsonian Institution Press, 1998, 217. For additional information on Deaccessioning, see chapter V: “The Disposal of Objects: Deaccessioning”.

At the Massachusetts Institute of Technology (MIT) Museum, they generally rid themselves of objects in a very uncommon way even before legislative issues come into practice. Anyone can post a message on a list available called “reuse it” by sending e-mail to reuse-request@mit.edu. The add to this service reads “Throwing it away? Post it on the “reuse: e-mail list, where everything from old computer to kittens can be given away.”⁶³

Time requirements, notification requirements and legislative outcomes are all areas that museums need to think about when they are trying to come to a conclusion regarding abandoned items. This burden has been thrust into these institutions not by anything that they have done but simply but the nature of their surroundings. What little help they may find in the current legislation seems to be, in the eyes of many respondents, as not being worth the trouble to enforce and implement.

⁶³ Joan Parks Whitlow, Registrar and Collections Manager, Massachusetts Institute of Technology, Boston, Massachusetts, responding to questionnaire sent by author in May 1999.

RECOMMENDATIONS and CONCLUSIONS

Museums and other cultural sites are not the only places that must deal with abandoned objects. A look at one of these other types of businesses might be a beginning point for recommendations.

Banks must deal with items from the safe deposit boxes left unclaimed and abandoned at banks.⁶⁴ These items do not nor have they ever been owed by the bank or made the responsibility of the bank, making their situation different from that of a museum, memorial or cultural institution. Boxes are drilled open only after lying dormant for years. Banks are required by law to try to make contact with the owners of the boxes by mail and telephone and through ads in the newspaper listing the names and last known addresses. These practices are similar to those required of cultural institutions. The banks send notices after one year of overdue box fees but then must wait an additional two years before the property may be sold. This three year waiting period allows the original owners the opportunity to claim their items. After the three-year period, items are appraised and catalogued by an auction house. The William Doyle Galleries in Manhattan, New York holds an auction every couple of years of items that could be considered unclaimed/abandoned items. Items considered worthless are discarded.⁶⁵ The money earned from a sale is used to pay the banks for back rent on boxes and administrative fees. Any remaining money goes to the state.

In contrast to banking institutions, museums and cultural institutions have an implied responsibility to the public and society as a whole to safeguard abandoned

⁶⁴ Robin Pogrebin, "Loved, but Abandoned and Sold." *The New York Times*, July 23, 1999, B1. This is a critical discussion of the points put forth in this article with editorial comments in relation to the topic.

items. Although both types of institutions must deal with similar problems of proper ownership and property rights, the bank does not need to deal with the questions of public trust and historical value. The bank ridding itself of “junk” is acceptable but museums are expected to hold onto these same “treasures”.

But what acceptable answer exists that would allow museums to live up to their moral and ethical responsibility and at the same time remove some of the burdens associated with physical holding onto these objects aside from their general collections? I propose that, similar to “deaccession policies” and “code of ethics policies”, the governing bodies of museums and other cultural institutions set in place an **abandoned object policy**. Such a policy would allow institutions to live up to their moral and ethical responsibility of caring for and safeguarding these objects found within their institutions property and collections.

An **abandoned object policy** should consist of guidelines for accessioning these abandoned objects or disposing of these objects. Some of the state legislation guidelines could be adapted for this policy.

- **Time Requirements** - For example, six months to one-year waiting period to declare an object as abandoned should be established. This window would give an “abandoner” ample opportunity to request the return of an item “mistakenly” abandoned. This limitation would let the responsibility of ownership fall with the abandoner. He and she would have to prove that in fact they left the item on the property.

⁶⁵ Most banks have an internal policy requiring that any personal papers must be held for an additional ten years.

- **Live Stock and Perishables** - Of course, an exception would have to be made for live stock and perishables. Live stock should immediately be dealt with; this may include contacting the local humane society as noted above or a municipal animal control officer. Perishables such as real flowers or food should also be handled with immediate attention. Items that will rot and spoil must be thrown out immediately. Bringing “living” things into a collection is simply inviting infestation.
- **Notification Requirements** - Legislation requiring notices searching for owners to be distributed with descriptions is unnecessary and should not be included in this new policy. Some individuals, less than ethical, might feel inclined to attempt to gain ownership of items and objects that are advertised in these notices. I realize that the legislation states that the ownership rights must be proven as a result of such notification. However, in this age of computers, scanners and additional technology, it would not be difficult for a thief to manufacture that required proof. I do not believe that notification should be a requirement.
- **Waiting Period** - If after the designated waiting period no owner comes forward, the item should then be deemed the property of the museum or cultural site. At this time the future of the objects could be determined by collection personnel in conjunction with the Executive Director and/or the Board of the institution.
- **Abandoned Property Database** - However, I do believe that a history of items left should be mandatory. All items, including live stock and

perishables, should be noted in an abandoned property database. Collection Managers and Registrars spend much of their time tracking the history of objects, including arrival and location, that these procedures should still hold true here. This information would tell a story of its own as to what historically has been left. At the same time, in the future if a question arises surrounding one of these objects then some evidence exists to help answer some of these questions.

The example above of the policy that banks use is a good frame of reference. Some of the ideas as to how these abandoned objects are handled as stated above in the discussion could also be elaborated on and explored. We must never lose sight of the financial, time and space burden that these objects bring with them must be weighed against the legal, moral and ethical responsibilities. If all museums and cultural sites made an effort to include an **abandoned objects policy** in their governing documents then the questions asked in the questionnaire may not elicit such vague and varying responses.

APPENDIX I

May 18, 1999

Dear Colleagues:

I am writing in the hope that you can assist me in gathering information about the fate of objects being abandoned at the doorsteps of museums, cultural institutions and memorials. I have been involved with numerous museums in New Jersey and all of them have experienced the problem of dealing with items/objects being left uninvited at their facilities. Some examples of this include - but are surely not limited to - items left with security guards or receptionists, material hung on front doors, or objects purposely left at memorial sites as a tribute. I am interested in information on the ways in which institutions deal with these items from unknown sources. I want to explore what is done with this material. Also, please include information about any legislation and/or museum policies in place that are relevant to these practices.

If you would take a few moments and complete this questionnaire, it would be of great help to me. This information is being gathered for a Master's Thesis in Museum Professions at Seton Hall University. Your responses can be returned to me via regular mail, fax or e-mail. If you would care to discuss this with me, I may also be reached at the telephone number or e-mail listed below.

Thank you in advance for your help.

Sincerely,

Katie Jones
359 Upper Mountain Avenue
Upper Montclair, NJ 07043
Phone: (973) 744-1503
E-mail: kjones@njvvmf.org
Fax: (732) 335-1107

APPENDIX III

Date: Wed, 12 May 1999 16:23:56 EDT
Reply-to: Museum discussion list <MUSEUM-L@HOME.EASE.LSOFT.COM>
Sender: Museum discussion list <MUSEUM-L@HOME.EASE.LSOFT.COM>
From: Veec1998@AOL.COM
Subject: Objects Being Left Uninvited
Content-type: text/plain; charset = "us-ascii"

May 12, 1999

Dear Colleagues:

I am writing in the hope that you can assist me in gathering information about the fate of objects being abandoned at the doorsteps of museums, cultural institutions and memorials. I have been involved with numerous museums in New Jersey and all of them have experienced the problem of dealing with items/objects being left uninvited at their facilities. Some examples of this include - but are surely not limited to - items left with security guards or receptionists, material hung on front doors, or objects purposely left at memorial sites as a tribute. I am interested in information on the ways in which institutions deal with these items from unknown sources. I want to explore what is done with this material. Also, please include information about any legislation and/or museum policies in place that are relevant to these practices.

If you would take a few moments and complete this questionnaire, it would be of great help to me. This information is being gathered for a Master's Thesis in Museum Professions at Seton Hall University. Your responses can be returned to me via regular mail, fax or e-mail. If you would care to discuss this with me, I may also be reached at the telephone number or e-mail listed below.

Thank you in advance for your help.

Sincerely,
Katie Jones
359 Upper Mountain Avenue
Upper Montclair, NJ 07043
Phone: (973) 744-1503
E-mail: kjones@njvvmf.org
Fax: (732) 335-1107

Objects Being Abandoned at Doorsteps of Museums, Cultural Institutions and Memorials

Have individuals left or abandoned objects at your facility at any time? YES NO

If so, what type?

If so, how often?

Do you have any policy for handling this? YES NO

Please explain.

Are you aware if your state or municipality has any legislation in place that would relate to these circumstances? If so, please explain.

Does your collections management policy deal with abandoned objects? _____

If you have any other comments that relate to this topic of study, please note them on the reverse or on an additional sheet.

Name _____

Institution _____

Thank you.

=====

Important Subscriber Information:

The Museum-L FAQ file is located at <http://museums.state.nm.us/nmmnh/museum-l.html>. You may obtain detailed information about the listserv commands by sending a one line e-mail message to listserv@home.ease.lsoft.com. The body of the message should read "help" (without the quotes).

If you decide to leave Museum-L, please send a one line e-mail message to listserv@home.ease.lsoft.com. The body of the message should read "Signoff Museum-L" (without the quotes).

SERA NEWS

Southeastern Registrars Association Newsletter

www.arts.ufl.edu/harn/sera

AAM Issue

Spring 1999

Session Reviews:

Collections Enriched: Planning, Funding, and Managing Special Collections Projects

Reviewed by Laura Cope Overbey,
Registrar, East Tennessee
Historical Society, Knoxville, TN

Chair: Randolph Black,
Registrar/Collections Manager, The
Montclair Art Museum, Montclair,
NJ

Speakers: Bruce Christman, Chief
Conservator, The Cleveland
Museum of Art, Cleveland OH;
Laura Word, Senior Program
Officer/Administrator, Division of
Preservation and Access, National
Endowment for the Humanities,
Washington, DC; Melinda Linderer,
Registrar, Society for Preservation
of New England Antiquities,
Boston, MA

Preparing for a special collections
project can be a tedious job, however
with the proper planning, the end
results can be rewarding. The
following are recommended steps to
take for a successful special
collections project.

Planning by Bruce Christman

First, make an assessment of the
facilities where the collections will
be stored. Make sure that the
building is safe and secure for the
collections. Examine the building
thoroughly. Check to see if the roof
leaks or there is poor electrical
wiring, and a proper HVAC system.
Also check to be sure that the
building is safe for your employees

and volunteers to work in.

Next, make an assessment of the
collections. Examine the following:
Environment -What does the
collection need in terms of proper
temperatures. Does the environment
vary from summer to winter? What
are the humidity levels? Is the
environment stable?

Light Levels - Examine the UV levels.
Are there any light sensitive objects
in the collection that need to be
considered?

Collection Policies and Procedures -
Does policy state how objects are to
be moved in the building? By cart or
two people?

Condition of the Collection - Examine
the types of materials used to house
the collection. Were acid free
materials used?

Condition of the Individual Objects -
Have a conservator look at the
objects and make an observation and
assessment.

After assessment of the
collection has been completed, two
long range plans need to be
developed, an Institutional Long
Range Plan and a Conservation Long
Range Plan. These plans need to be
related closely together. What are
the Long Range Plans of the
institution in terms of the collection?
Examine how these plans interrelate.

In planning special projects, first
define the goals and what you hope
to accomplish. Do you hope to
improve the storage area? Second,
develop a work plan to minimize the
movement and risk of the collection.
How will the objects get to the new
location? It is important to analyze
this step thoroughly. Third, identify
the key personnel involved: Project
Coordinator, Conservator, Curator,
Registrar, etc. Finally develop a
budget, include staff time and
(See "Collections" on Page 2)

Notes from the Chair Dixie Neilson

Welcome back to all those
SERA members who attended
the AAM meeting in Cleveland,
OH. This was the first year in six
that I was unable to attend, so
like many others I am depending
on our members to share
information. Session reviews of
that meeting begin in this
newsletter and will also be
posted to the SERA website
(www.arts.ufl.edu/harn/sera). As
of this moment there have been
371 visitors to the SERA site, I
hope it has been proving helpful
and informative to you all. Be
sure to look at the officer's page
where you will see most of the
friendly faces that represent you
as SERA officers. Let me know
what improvements we can
make in the site.

Is it possible that we could
come up with another new
section of this newsletter? Of
course it is! Starting this issue
you will see a "Members in the
News" column. Please send in
your news - promotions, awards,
new babies, whatever is
important in your life that you'd
like to share with your friends
here.

Although it seems a long way
away, we are very busy planning
for the SEMC meeting in
Birmingham, AL, October 20-23,
1999. We have already secured
funding for our annual bash the
"Registrar's Respite," so the
important stuff is done, and Vice-
Chair Andy Stupperich is
(See "Chair" on page 2)

("SERCA" cont'd from page 13)
 over 1200 identified sites in Georgia. information gathered from these surveys will place SERCA and GDAH in an excellent position to offer
 ant recovery information;
 coordinate access to services, supplies and equipment; and organize direct recovery assistance. Repositories identified include any site housing collections of culturally significant objects or records, such as museums, historical societies, libraries, archives, government agencies, archaeological sites, science centers, folk art sites, and historic homes or churches. Collections may contain artwork, textiles, photographs, books, documents, recorded media, archaeological artifacts, popular culture artifacts, or buildings.

On Behalf of GRAHB and SERCA, we encourage you to participate in this very important project. Please complete and return the survey form you received. If your organization has not received a survey form, you may contact Melody James, Project Assitant at : 404-651-9272 or mjames@sos.state.ga.us > To view the survey online and to obtain more information on this project, disaster preparedness, or other preservation related topics, you may visit the GDAH website at <http://www.sos.state.ga.us/archives/ps/ops.htm>

**Virginia Museum of Natural History
 Receives Large Grant**

The VMNH in Martinsville, VA announces that it has received a National Science Foundation (NSF) grant of over \$268,000 for the curation and rehousing of a large U.S. Geological Survey collection of Atlantic and Gulf Coast tertiary coastal plain invertebrate fossils. It is the largest grant that the state natural history museum has received from NSF. "It is a show of confidence for a museum that is only 10 years old to receive such large NSF funding," according to Steve Pike, VMNH executive director. The collection is vastly important because it includes some 10 million specimens covering the last 65 million years and it contains samples and specimens from many localities never available for research.

Contact Linda Clark for more information 540-666-8600.

Registrar's Request

- ⇒ The Columbus Museum is organizing an exhibit of vintage clothing from the permanent collection which will open in August 1999 and run through May 2000. I am looking for 4-6 archival mannequins to borrow for the exhibit. If anyone has anything of this sort that might be appropriate, or other suggestions, please call Danielle Funderburk at the Columbus Museum of Art, 706-649-0713.
- ⇒ Maire Demeroukas , Registrar at the Rogers Historical Museum would like to talk to anyone who can give her advice on solving carpet beetle larvae problems. She can be reached at 501-621-1154.
- ⇒ Cheryl Munyer Branyan, newly hired Museum Specialist at Rosalie in Natchez, would like to hear from anyone who has dealt with window air-conditioning units in historic houses and also welcomes any advice on developing accession files/deed of gift on acquisitions dating back 60 years. She would also like to know how other museums cope with fresh flowers inside the facility. She can be reached at 601-445-4555 or 601-442-7635.
- ⇒ Graduate student Katie Jones, at Seton.Hall University in New Jersey, is seeking information about the fate of objects being abandoned at the doorsteps of museums, cultural institutions, and memorials. She has been involved with numerous museums in New Jersey, all of which have experienced the problem of dealing with objects being left uninvited at their facilities. She is interested in information on the ways in which institutions deal with these items from unknown sources. This information is being gathered for a master's thesis in Museum Professions at Seton Hall. Please contact her with any information about legislation and/or museum policies in place that are relevant to these practices. You can reach her at 973-744-1503 or kjones@njvvmf.org
- ⇒ Cindy Cable at the Old Capitol Museum welcomes any information about the hat blocking process. Her phone number is 601-359-6920.

**Please inform your
 State Representative
 of any requests
 you wish to have printed
 in
 Registrar's Request**

APPENDIX V

Samples sections of Collections Management Policies

The Adler Planetarium and Astronomy Museum Collections Management Policy Abandoned Property section

“Adler will continue to care for and house items already on Adler premises, but lacking documentation of ownership, while attempting to determine the proper title of said objects. If a claimant can be found, Adler will review any documentation held and/or provided and may consult with counsel before releasing items to be identified claimant. Items for which no claimant can be found may or may not be kept as part of Adler’s permanent collection.”⁶⁶

Panhandle-Plains Historical Museum Collections Management Amendment Proposal Undocumented materials section

“These are materials found in the collections that might reasonably be assumed to have been given or intended as a gift to the Society, but for which the Society cannot determine the owner by reference to the Society’s records. The category includes objects that may have been disassociated from their Accession Number, objects that are marked with Accession Numbers that have no matching documentation in the files, objects that were donated but never documented or accessioned, material that may not have been intended for accession (e.g., material intended for use in restoration work), and unsolicited material left at the museum without documentation.

For this category,

- a) The museum will conduct diligent records searches to attempt to determine if the material was accessioned at one time and what the associated Accession Number might be.
- b) Notes concerning the search process will be kept with the document file for each object.
- c) The museum will lay claim to undocumented materials has received no valid claim or written contact from any person for one year from the date the property is discovered.

⁶⁶ Devon L. Pyle-Vowles, Collections Manager, Adler Planetarium and Astronomy Museum, Chicago, Illinois, responding to questionnaire sent by author in May 1999.

Notice will be published (in accordance with the published notice criteria in the existing law) that the Society intends to lay claim to such material in a local newspaper or wide circulation. The notice will include a brief description of the property and notify persons with interest in listed property to come forward with documentation or notice of intent to retain an interest in the property. If no responses are received within 65 days of the date of the last notice, the Society will claim the listed property.”⁶⁷

National Museum of African Art
Collections Management Policy
Temporary custody section

“Objects should not be left at the Museum without prior notification of the Registrar and completion of appropriate records. In an object is sent to or left at the Museum without identification of the owner, it is the responsibility of the designated curator, in consultation with the Director and the Office of the General Counsel, to determine a proper disposition of the object. The Registrar shall maintain a record of all such objects and their disposition.”⁶⁸

Desert Caballeros Western Museum
Collections Management Policy
Items Placed in the Custody of the Society section

“Items placed in the custody of the Society, as distinct from items formally requested as loans by the Society, are accepted at the owner’s risk. The Society will not provide insurance coverage for items placed in its custody. Any items abandoned by the owner will be subject to the same guidelines outlined in ARS 44-351 (Arizona Statutes Unclaimed Property in Museums). When the guidelines for establishing clear title have been met, the Society will dispose of the objects at its own discretion.”⁶⁹

⁶⁷ Mary Moore, Registrar, Panhandle-Plains Historical Museum, Canyon, Texas, responding to questionnaire sent by author in May 1999.

⁶⁸ Leisl J. Scheer, Registrar Technician, National Museum of African Art, Washington, DC, responding to questionnaire sent by author in May 1999.

⁶⁹ Sheila Kollasch, Curator/Registrar, Desert Caballeros Western Museum, Wickenburg, Arizona, responding to questionnaire sent by author in May 1999.

APPENDIX VI

A selection of questionnaires returned from:

Evansville Museum of Arts and Science, Evansville, Indiana
Todd Topper, Registrar

Richard Nixon Library and Birthplace, Yorba Linda, California
Olivia S. Anastasiadis, Curator

Rogers Historical Museum, Rogers, Arkansas
Marie Demeroukas, Registrar

Township of Neptune Historical Museum, Neptune, New Jersey
Evelyn Stryker Lewis

Vesterheim Norwegian-American Museum, Decorah, Iowa
Darrell D. Henning, Curator

Objects Being Abandoned at Doorsteps of Museums, Cultural Institutions and Memorials

Have individuals left or abandoned objects at your facility at any time? YES NO

If so, what type? photos, clippings, small pieces of stained glass
folk art

If so, how often? Successfully; maybe 3 times a year

Do you have any policy for handling this? YES NO

Please explain. Everyone working at the front desk knows not
to accept gifts "off the street." The potential donor is
instructed to telephone the appropriate curator to set up an appointment

What does your institution do with these objects? sometimes thrown out, sometimes
kept as "non accessioned" collections

Are you aware if your state or municipality has any legislation in place that would relate to these circumstances? If so, please explain.

Indiana has abandoned property statutes. After
10 years the property is for grabs.

Does your collections management policy deal with abandoned objects? No

If you have any other comments that relate to this topic of study, please note them on the reverse or on an additional sheet.

Name Todd Tupper, Registrar

Institution Evansville Museum of Arts and Science

812-425-2806

Subject: abandoned/unsolicited items

Date: Thu, 13 May 1999 15:49:43 -0700

From: "Olivia S. Anastasiadis" <oa@juno.com>

To: kjones@njvvmf.org

>>Objects Being Abandoned at Doorsteps of Museums, Cultural

>Institutions

>>and Memorials

>>

>>

>>

>>Have individuals left or abandoned objects at your facility at any

>>time?

>>YES X NO

>>

>> If so, what type?

>>

>Real and silk flowers, candy, poems, letters, drawings, framed

>pictures,

>books, candles, etc.

>usually left at the memorial site. On occasion unsolicited material

>such as campaign buttons or other campaign memorabilia is left behind.

>

>>

>> If so, how often?

>>

>About six to seven times a year.

>

>>

>>Do you have any policy for handling this?

>

>YES X NO

>>

>>Please explain.

>

> For those items left at the memorial site (RN & his wife are

>interred on site), we have a memorial items collection, like a study

>collection or presentation collection. These items are not

>accessioned

>into the permanent collection. Perishables such as the candy and the

>fresh flowers are disposed of. The items can be used for study or

>exhibit display. Once things fall apart to the point where they

>cannot

>be safely used, or are overly duplicated, then we will likely dispose

>of

>the items.

>>

>>

>>Are you aware if your state or municipality has any legislation in

>>place that would relate to these circumstances? If so, please

>explain.

>

>No, other than laws dealing with abandoned property.

>>

>>

>>

>>Does your collections management policy deal with abandoned

>>objects?

>

>Yes. We follow state of California laws for disposing of

>unwanted/unsolicited/abandoned materials.

>

>>

>>

>>If you have any other comments that relate to this topic of study,
>>please note them on the reverse or on an additional sheet.

>

>Please be sure to point out that abandoned property laws differ from
>state to state.

>When your study is done, would you please publish your findings here
>in

>Museum-L? Thank you.

>

>>

>>Name Olivia S. Anastasiadis,

>Curator _____

>>

>>Institution Richard Nixon Library &

>Birthplace _____

>>

>>Thank you.

>

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Objects Being Abandoned at Doorsteps of Museums, Cultural Institutions and Memorials

Have individuals left or abandoned objects at your facility at any time? YES NO

If so, what type? mostly archival - photos, postcards

If so, how often? we used to have this happen once or twice a year about 10 yrs ago; nothing since then.

Do you have any policy for handling this? unofficial YES NO

Please explain.

If they are relevant to our mission, they are accessioned as an anonymous donation; if they are outside our mission, & relevant to another ~~community~~ ^{community}, we try to place them in the

What does your institution do with these objects? appropriate institution. So far we've placed over 3,000 items, mostly photos, in about 100 institutions throughout the U.S.

Are you aware if your state or municipality has any legislation in place that would relate to these circumstances? If so, please explain.

Arkansas has an abandoned property law, but it is not specific to museums

Does your collections management policy deal with abandoned objects? no; this would be a good addition; it does deal w/ objects placed in temporary custody of museum & never retrieved by known people

If you have any other comments that relate to this topic of study, please note them on the reverse or on an additional sheet.

Name Marie Demeroutas

Institution Rogers Historical Museum

Objects Being Abandoned at Doorsteps of Museums, Cultural Institutions and Memorials

Have individuals left or abandoned objects at your facility at any time? YES NO

If so, what type? Everything from Aunt Esther's woolen stockings to a WWII insurgent's machete have been left at my museum's doorstep. Commonly "dropped" items include old books and ephemera, especially school programs, report cards, plus yellowed newspapers or clipped articles.
If so, how often? Since I initiated a collections policy and a firm order to refuse donations in my absence, this occurs only about twice a year

Do you have any policy for handling this? YES NO
Our collections policy (written and available for viewing) states only ~~XXXXXXXXXXXX~~ items which specifically relate to our area of interpretation (Township of Neptune) will be accepted. (I reserve the right to make exceptions should something really unusual or valuable be offered which might be traded or sold at a later date to the museum's advantage). ~~The museum is located within the Township library, so library staff have been requested to explain that museum donations must be made only through the museum curator. A written hand-out sheet stating that policy and explaining that paperwork needs to accompany donations is on hand.~~

What does your institution do with these objects? Unsolicited items are given to other institutions or individuals who will appreciate and find them useful. "Homeless" items otherwise are discarded or stored, to be given to historical organizations for resale during fundraisers.

Are you aware if your state or municipality has any legislation in place that would relate to these circumstances? If so, please explain. The Township of Neptune requires that all items de-accessioned by the museum either be donated to other not-for-profit organizations or be placed for public sale at the annual police auction. There is no such policy regarding items which have not been accepted into the museum's collections.

Does your collections management policy deal with abandoned objects? All accepted items require donors to sign a legal release form assigning ownership to the museum. Older accessions, accepted before the release procedure was instituted, were canvassed individually to determine whether they were loans or donation after being held by the museum for five years. Any item resting here longer than five years is deemed by the Township to be owned by the museum under the logic: "possession is 9/10 of the law".

If you have any other comments that relate to this topic of study, please note them on the reverse museum or on an additional sheet. Since the Township funds the museum, and since the museum is located within the Township Municipal Complex (which includes the library) the Township - not the museum itself- is deemed official owner of collections
Name Evelyn Stryker Lewis

Institution Township of Neptune Historical Museum

Objects Being Abandoned at Doorsteps of Museums, Cultural Institutions and Memorials

Have individuals left or abandoned objects at your facility at any time? **YES** NO

If so, what type? Generally objects left "on our doorstep" consist of books and related material. Occasionally other - usually small items - are left with an attendant during the week-end.

If so, how often? Abandoned books and related material are found on at least a monthly basis. Other items less often, i.e. once or twice a year.

Do you have any policy for handling this? **YES** NO

Please explain.

If an attendant or other non-professional staff person is present they are to get a name, address and phone number. The "donor" is contacted and told that we will accept those books, items, etc. that we want. Other material will be offered to other (selected and ranked) institutions or, failing to give them away they will be sold. Any moneys received will go into library acquisitions fund or other appropriate acquisitions budget. If no name or address is associated with a "donation" we follow the same procedure without contact.

What does your institution do with these objects?

Examples of Norwegian or Norwegian-American

publications which we do not already hold are accessioned into the "rare books" collection. Objects are held, for up to a year, before they are either accessioned (noting the circumstances of their acquisition), or offered to another appropriate institution, or sold.

Are you aware if your state or municipality has any legislation in place that would relate to these circumstances? If so, please explain.

With the exception of abandoned loans I know of no other legislation, State or local, which would relate to material abandoned on our doorstep.

Does your collections management policy deal with abandoned objects?

Our collections policy does not specifically deal with abandoned objects. We are currently reviewing our collections management policies and will certainly address the problem or potential problem to the best of our abilities.

If you have any other comments that relate to this topic of study, please note them on the reverse or on an additional sheet.

Name Darrell D. Henning, Curator

Institution Vesterheim Norwegian-American Museum

APPENDIX VII

The following pages contain legislation from the following states:

ARIZONA
ILLINOIS
INDIANA
LOUISIANA
MICHIGAN
MISSISSIPPI
MISSOURI
NEW HAMPSHIRE
NEW MEXICO
NEVADA
NORTH DAKOTA
SOUTH DAKOTA
TENNESSEE
TEXAS
WASHINGTON
WISCONSIN

Legislation is listed alphabetically by state.

ARIZONA

A.R.S. § 44-353

ARIZONA REVISED STATUTES ANNOTATED

TITLE 44. TRADE AND COMMERCE

CHAPTER 3.1 UNCLAIMED PROPERTY IN MUSEUMS

ARTICLE 1. IN GENERAL

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Current through End of the 1999 1st Reg. Sess. and 1st & 2nd Spec. Sess.

§ 44-353. Acquiring title to undocumented property

A. A museum may acquire title to undocumented property held by a museum for seven years or longer, verifiable through written records, with no valid claim or contact by any person in the following manner:

1. The museum shall publish a notice once a week for two consecutive weeks in a newspaper of general circulation in the county in which the museum is located and in the county in which the lender's last known address is located, if applicable. This notice shall include:

(a) A brief and general description of the property

(b) The date or approximate date of the loan or acquisition by the museum, if known.

(c) Notice of the intent of the museum to claim title if no valid claims are made within sixty-five days from the date of the first notice, if no publication in a newspaper is required, or publication under this section.

(d) The name and address of the museum representative to contact for more information or to make a claim

(e) The lender's name and last known address, if known.

2. If no valid claims have been made by the end of sixty-five days, the museum shall publish a second notice once a week for two consecutive weeks in a newspaper of general circulation in the county in which the museum is located and in the county in which the lender's last known address is located, if applicable. This second notice shall include:

(a) A brief and general description of the property

(b) The date or approximate date of the loan or acquisition by the museum, if known.

(c) Notice that the museum claims title to the property as of the date described in paragraph 1, subdivision (c) of this subsection.

(d) The lender's name and last known address, if known.

B. On compliance with subsection A of this section clear and unrestricted title is transferred to the museum as of the date described in subsection A, paragraph 1, subdivision (c) of this section.

CREDIT(S)

1994 Main Volume

Added by Laws 1985, Ch. 124, § 1.

General Materials (GM) - References, Annotations, or Tables

NOTES OF DECISIONS

1. Controlling statute

Uniform Disposition of Unclaimed Property Act, § 44-351 et seq. (repealed; see, now, § 44-301 et seq.), governed the method of acquiring title to artifacts of unclear ownership, and under former § 44-358 (repealed; see, now, § 44-313) creating a statutory presumption that all personal property held by any public authority or public office that has remained unclaimed by the owner for more than seven years was presumed abandoned, all personal property of undocumented or unclear ownership that had been held by the Arizona Historical Society for a minimum of seven years could be deemed to be owned by the state. Op.Atty.Gen. No. 183-031.

A. R. S. § 44-353
AZ ST § 44-353

ILLINOIS

765 ILCS 1033/5

WEST'S SMITH-HURD ILLINOIS COMPILED STATUTES ANNOTATED

CHAPTER 765 PROPERTY

MISCELLANEOUS PROPERTY

ACT 1033. MUSEUM DISPOSITION OF PROPERTY ACT

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Current through P.A. 91-6, apv. 5/28/1999

1033/5. Purposes

S 5. Purposes. The purposes of this Act are to establish the ownership of loaned property that has been abandoned by the lender or undocumented property held by a museum, to establish uniform procedures for the termination of loans of property to museums, to allow museums to conserve or dispose of loaned or undocumented property under certain conditions, and to limit actions to recover loaned or undocumented property.

CREDIT(S)

1999 Electronic Update

P.A. 90-604, § 5, eff. Jan. 1, 1999.

INDIANA

IC 32-9-10-16

WEST'S ANNOTATED INDIANA CODE

TITLE 32. PROPERTY

ARTICLE 9. LOST AND UNCLAIMED PROPERTY

CHAPTER 10 PROPERTY LOANED TO MUSEUMS

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Current through End of 1999 1st Reg. Sess.

32-9-10-16 Presumption of gift to museum; time to claim ownership

Sec. 16. After June 30, 1989, property that:

(1) is found in or on property controlled by the museum;

(2) is from an unknown source; and

(3) might reasonably be assumed to have been intended as a gift to the museum;

is conclusively presumed to be a gift to the museum, if its ownership is not claimed by a person or individual within ninety (90) days after its discovery.

CREDIT(S)

1999 Electronic Pocket Part Update

As added by P.L.279-1989, SEC.2.

I.C. 32-9-10-16

IN ST 32-9-10-16

LOUISIANA

LSA-R.S. 25:379.5

WEST'S LOUISIANA STATUTES ANNOTATED

LOUISIANA REVISED STATUTES

TITLE 25. LIBRARIES, MUSEUMS, AND OTHER SCIENTIFIC AND CULTURAL FACILITIES

CHAPTER 5-B. LOUISIANA STATE EXHIBIT MUSEUM

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Current through all 1998 1st Ex.Sess. and Reg. Sess. Acts

§ 379.5. Donations and loans; disposition of property

A. The Department of State and the board, jointly or separately, may solicit and accept funds, governmental grants, donations, and contributions of lands, buildings, monies, relics, works of art, or other property on behalf of and as additions to the Louisiana State Exhibit Museum either in the form of loans or in the form of donations inter vivos or mortis causa, and the Department of State may acquire them by purchase, lease or otherwise, subject to the terms, conditions, or limitations contained in the instrument by which such property is acquired. However, the board may enter into any and all contracts with any person, lender, or donor that it may deem fit, proper, and necessary to accept and receive such lands, buildings, monies, relics, works of art, or other property on behalf of and as additions to the Louisiana State Exhibit Museum. The museum may serve as the beneficiary of any public trust heretofore or hereafter created for such purpose pursuant to the provisions of R.S. 9:2341 et seq.

B. The board is granted the authority of deaccession with respect to any collection of the Louisiana State Exhibit Museum and, for such purpose, is exempted from laws relative to the sale or disposal of surplus property. The board shall establish policies and procedures necessary to carry out this authority in an orderly manner.

C. (1) Any property which has been deposited with the Louisiana State Exhibit Museum, by loan or otherwise, and which has been held by the museum for more than ten years, and to which no person has made claim shall be deemed to be abandoned and, notwithstanding the provisions of Chapter 1 of Title XII of Book III of the Louisiana Civil Code, shall become the property of the museum, provided that Paragraph (2) of this Subsection has been complied with.

(2)(a) At least once each week for two consecutive weeks, the board shall cause to be published in at least one newspaper of general circulation in the parish of Caddo, a notice and listing of the property.

(b) The notice shall contain:

(i) The name and last known address, if any, of the last known owner or depositor of the property.

(ii) A description of the property.

(iii) A statement that if proof of claim is not presented by the claimant to the board and if the claimant's right to receive such property is not established to the satisfaction of the board within sixty-five days from the date of the second published notice, the property

will be deemed to be abandoned and shall become the property of the Louisiana State Exhibit Museum.

(3) If no valid claim has been made to the property within sixty-five days from the date of the second published notice, title to the property shall vest in the Louisiana State Exhibit Museum free from all claims.

CREDIT(S)

1999 Electronic Update

Added by Acts 1991, No. 9, § 1, eff. June 6, 1991.

General Materials (GM) - References, Annotations, or Tables

MICHIGAN

M.C.L.A. 399.611

**MICHIGAN COMPILED LAWS ANNOTATED
CHAPTER 399. HISTORICAL RECORDS AND SITES
MUSEUM DISPOSITION OF PROPERTY ACT**

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Current through P.A. 1999, No. 25 of the 1999 Regular Session,
90th Legislature

399.611. Obtaining title to property subject to previously recorded interests, circumstances; obtaining title to undocumented property; conditions

Sec. 11. (1) Beginning January 1, 1993, a museum gains title to an item of property, subject only to an interest or interests in that property previously recorded pursuant to state law, under any of the following circumstances:

(a) For an item of property for which a museum provides written notice to a lender or a lender's designee pursuant to section 7(2) or (3) [FN1] and personal service is effectuated or a signed return receipt is received, if a lender of that item does not contact the museum within 1 year after the date notice was received.

(b) For an item of property for which newspaper publication is made pursuant to section 7(4), if a lender of that item does not contact the museum within 1 year after the date of second publication.

(c) Undocumented property that is not solicited by the museum and that is delivered to the museum or left on museum premises after January 1, 1993.

(2) Subject to subsection (3), beginning January 1, 1994, a museum gains title to undocumented property that has been in the possession of the museum for 35 or more consecutive years, subject only to an interest or interests in that undocumented property previously recorded pursuant to state law.

(3) A museum does not gain title to undocumented property that has been in its possession for 35 or more consecutive years unless all of the following occur:

(a) If the museum has an annual budget of more than \$50,000.00, the museum publishes a notice in a newspaper of general circulation in the county within which the museum is located. The notice shall be prominently placed in the newspaper at least once each week for 2 or more weeks, shall be no less than 4 inches wide and 6 inches in height, with a black border that is not less than 1/4 inch wide, and shall include all of the following:

(i) The word "NOTICE" in not less than 25-point type.

(ii) A statement in not less than 22-point type in substantially the following form:

CERTAIN LOANED PROPERTY CURRENTLY IN THE POSSESSION OF _____
(NAME OF MUSEUM) WILL BECOME THE PROPERTY OF THE MUSEUM IF
UNCLAIMED, BEGINNING ON _____ (JANUARY 1, 1994, OR DATE WHICH IS
6 MONTHS OR MORE AFTER THE FINAL PUBLICATION OF THE NOTICE,
WHICHEVER IS LATER).

(iii) A statement in not less than 10-point type that follows the statement described in subparagraph (ii) and is in substantially the following form:

THE MUSEUM DISPOSITION OF PROPERTY ACT AUTHORIZES _____ (NAME OF MUSEUM) TO BECOME THE OWNER OF PROPERTY LOANED TO THE MUSEUM AND POSSESSED BY THE MUSEUM FOR 35 OR MORE YEARS WITHOUT DOCUMENTATION OR EVIDENCE ESTABLISHING THE IDENTITY OF THE PROPERTY'S LENDER. A PERSON WHO WISHES TO PRESERVE AN INTEREST IN ANY UNDOCUMENTED PROPERTY WHICH WILL HAVE BEEN IN THE MUSEUM'S POSSESSION FOR 35 OR MORE YEARS ON _____ (DATE THAT IS USED IN THE STATEMENT REQUIRED BY SUBDIVISION (A)(ii)) MUST CONTACT THE MUSEUM BEFORE THAT DATE. A PERSON WHO WISHES TO PRESERVE AN INTEREST IN OTHER UNDOCUMENTED PROPERTY MUST CONTACT THE MUSEUM BEFORE THE PROPERTY HAS REMAINED IN THE POSSESSION OF THE MUSEUM FOR 35 YEARS. UNDOCUMENTED PROPERTY THAT IS UNCLAIMED AFTER BEING IN THE MUSEUM'S POSSESSION FOR 35 YEARS BECOMES THE PROPERTY OF THE MUSEUM AS PROVIDED BY LAW. THE LAW DOES NOT REQUIRE THE MUSEUM TO PROVIDE ANY FURTHER PUBLIC NOTICE CONCERNING THE MUSEUM DISPOSITION OF PROPERTY ACT OR YOUR OBLIGATION TO CONTACT THE MUSEUM REGARDING UNDOCUMENTED PROPERTY IN WHICH YOU MAY HAVE AN INTEREST.

(b) If the museum has an annual budget of \$50,000.00 or less, the museum publishes a readily visible notice in a newspaper of general circulation in the county within which the museum is located. The notice shall be in substantially the form described in subdivision (a), but the size of the notice, print, and border may be less than the size specified for each in subdivision (a).

(c) The museum posts a copy of a notice substantially corresponding to the notice described in subdivision (a)(i), (ii), and (iii) in a conspicuous location on the museum premises at the time notice is provided by newspaper publication under subdivision (a), and the notice remains posted in a conspicuous location until the museum has obtained title to all undocumented property in its possession under subsection (2).

(d) The museum does not receive documentation or other evidence establishing a person's ownership interest in the undocumented property within the applicable period of time specified in the published notices pursuant to subdivision (a)(iii).

CREDIT(S)

1997 Main Volume

P.A.1992, No. 24, § 11, Imd. Eff. March 23, 1992.

[FN1] Section 399.607.

General Materials (GM) - References, Annotations, or Tables

LIBRARY REFERENCES

1997 Main Volume

States .85.

WESTLAW Topic No. 360.

C.J.S. States § 145.

M. C. L. A. 399.611

MI ST 399.611

MISSISSIPPI

Miss. Code Ann. § 39-19-3

WEST'S ANNOTATED MISSISSIPPI CODE

TITLE 39. LIBRARIES, ARTS, ARCHIVES AND HISTORY

CHAPTER 19. MUSEUM UNCLAIMED PROPERTY ACT

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Current through End of 1999 Reg. Sess.

§ 39-19-3. Definitions

The following words and phrases shall have the meanings ascribed herein, unless the context clearly requires otherwise:

- (a) "Lender" means an individual, corporation, partnership, trust, estate, or similar organization, whose name appears on the records of the museum as the entity legally entitled to control property on loan to the museum.
- (b) "Loan," "on loan," or "loaned," means property in the possession of the museum accompanied by evidence that the lender intended to retain title to the property and to return to take physical possession of the property in the future.
- (c) "Museum" means a public or private nonprofit agency or institution located in this state and organized on a permanent basis for essentially educational or aesthetic purposes, which utilizes a professional staff, owns or utilizes tangible objects, cares for them, and exhibits them to the public on a regular basis.
- (d) "Museum records" means documents created and/or held by the museum in its regular course of business.
- (e) "Property" means a tangible object, in the custody of a museum, that has intrinsic historical, artistic, scientific, or cultural value.
- (f) "Restricted certified mail" means certified mail that carries on its face, in a conspicuous place where it will not be obliterated, the endorsement "deliver to addressee only" and for which the post office provides the mailer with a return receipt showing the date of delivery, the place of delivery, and the person to whom delivered.
- (g) "Unclaimed property" means property meeting the following two (2) conditions: (a) property is on loan to the museum; (b) the original lender, or anyone acting legitimately on the lender's behalf, has not contacted the museum in writing for at least twenty-five (25) years from the date of the beginning of the loan, if the loan was for an indefinite or undetermined period, or for at least five (5) years after the date upon which the loan for a definite period expired.

§ 39-19-11. Museum acquiring title

From and after the effective date of this chapter, a museum acquires title to unclaimed property, under any of the following circumstances:

- (a) If a lender of property does not contact the museum in writing within ninety (90) days after the date notice was received for property for which a museum provides actual

notice to a lender in accordance to Section 39-19-9 and for which a signed receipt has been received.

(b) If a lender or anyone claiming a legal interest in that property does not contact the museum in writing within ninety (90) days after the date of the second publication, and notice by publication has been made pursuant to Section 39-19-9.

CREDIT(S)

1999 Main Volume

Laws 1997, Ch. 464, § 2, eff. from and after passage (approved March 26, 1997).

Miss. Code Ann. § 39-19-3

MS ST § 39-19-3

Miss. Code Ann. § 39-19-11

MS ST § 39-19-11

MISSOURI

VERNON'S ANNOTATED MISSOURI STATUTES

TITLE XI. EDUCATION AND LIBRARIES

CHAPTER 184. MUSEUMS--METROPOLITAN PARK DISTRICTS AND MEMORIALS

MUSEUM PROPERTY ACT

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Current through End of 1998 2nd Reg. Sess.

184.112. Title to undocumented property to museum, when--acquisition of title notice, content

1. A museum may acquire title to undocumented property in the custody of the museum for at least seven years if, during that time, the museum received no valid claim or written contact from any person, as evidenced in the museum's records, by giving notice of acquisition of title to undocumented property under this section.

2. A notice of acquisition of title shall include a statement containing substantially the following information:

"The records of (name of museum) do not indicate the owner of record of certain property in its possession. The museum intends to acquire title to the property described below: (general description of the property). If you claim ownership or other legal interest in this property you must contact the museum in writing, establish your ownership of the property, and make arrangements to collect the property. If you fail to make written contact within ninety days after the date of this notice, you will be considered to have waived any claim you may have to the property."

3. If a person does not respond to the notice of acquisition of title to undocumented property within ninety days after the date of the last notice by filing a notice of intent to preserve an interest in property on loan, the museum's title to the property shall become incontestable under section 184.116.

CREDIT(S)

1999 Electronic Update

(L.1991, S.B. No. 344, § A(§ 7), eff. Dec. 31, 1991.)

General Materials (GM) - References, Annotations, or Tables

V. A. M. S. 184.112

MO ST 184.112

NEW HAMPSHIRE

NEW HAMPSHIRE STATUTES ANNOTATED

TITLE XVI. LIBRARIES

CHAPTER 201-E. MUSEUM PROPERTY ACT

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Current through End of 1998 Reg. Sess.

§ 201-E:3 Property Held Without a Loan Agreement.

Any property held by a museum within the state, other than by terms of a loan agreement, that has been held for 5 years or more and has remained unclaimed shall be deemed to be abandoned. Such property shall become the property of the museum, if the museum has given notice pursuant to RSA 201-E:5 and no assertion of title has been filed for the property within 90 days from the date of the second published notice.

§ 201-E:5 Notice Requirements.

I. When a museum is required to give notice of abandonment of property or of termination of a loan, the museum shall mail such notice by certified mail, return receipt requested, to the last known owner at the most recent address of such owner as shown on the museum's records. If the museum has no address on record, or the museum does not receive written proof of receipt of the mailed notice within 30 days of the date the notice was mailed, the museum shall publish notice, at least once each week for 2 consecutive weeks, in a newspaper of general circulation in both the county in which the museum is located and the county in which the last known address, if available, of the owner is located.

II. The published notice shall contain:

- (a) A description of the unclaimed property;
- (b) The name and last known address of the owner;
- (c) A request that all persons who may have any knowledge of the whereabouts of the owner provide written notice to the museum; and
- (d) A statement that if written assertion of title is not presented by the owner to the museum within 90 days from the date of the second published notice, the property shall be considered abandoned or donated and shall become the property of the museum.

III. For purposes of this chapter, if the loan of property was made to a branch of a museum, the museum shall be considered to be located in the county in which the branch is located. Otherwise the museum is located in the county in which it has its principal place of business.

NOTES, REFERENCES, AND ANNOTATIONS

History

Source. 1989, 87:2, eff. June 30, 1989.

R. S. A. § 201-E:3

NH ST § 201-E:3
R. S. A. § 201-E:5
NH ST § 201-E:5

NEW MEXICO

NMSA 1978, § 18-10-3

NEW MEXICO STATUTES 1978, ANNOTATED

CHAPTER 18. Libraries and Museums

ARTICLE 10. Abandoned Cultural Properties

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Current through the First Regular Session and First Special Session of the 44th Legislature

18-10-3 Abandonment of property.

A. Property on loan to a museum shall be deemed abandoned:

(1) if, since the expiration date of the loan, seven years have passed with no written notice of termination of the loan from the lender to the museum; or

(2) if the loan has no expiration date, at least seven years have passed since the loan was made and the lender has failed to respond to written notice from the museum.

B. A museum shall acquire title to property deemed to be abandoned by providing the lender with a notice of abandonment. If no valid claim has been made for the property within sixty-five days from the date of notice of abandonment, title to the property shall vest in the museum free of all claims of the lender and all persons claiming on behalf of the lender.

C. Notwithstanding the provisions of Sections 13-6-1 and 13-6-2 NMSA 1978, property acquired by a museum through abandonment procedures established in the Abandoned Cultural Properties Act [18-10-1 to 8-10-5 NMSA 1978] may be kept by the museum, may be sold, with the proceeds going to the museum, or may be destroyed. The museum shall notify the state auditor or, in the case of private museums, the governing authority of the museum regarding the disposition of all abandoned property.

History: Laws 1989, ch. 211, § 3.

N. M. S. A. 1978, § 18-10-3

NM ST § 18-10-3

NEVADA

N.R.S. 381.009

NEVADA REVISED STATUTES ANNOTATED

TITLE 33. LIBRARIES; MUSEUMS; HISTORIC PRESERVATION

CHAPTER 381 STATE MUSEUMS

Division of Museums and History

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Current through End of 1997 reg. Sess.

381.009 Acquisition of abandoned property held by institution of division.

1. Any property held by an institution of the division for 10 years or more, to which no person has made claim, shall be deemed to be abandoned and becomes the property of the institution if the institution complies with the provisions of subsection 2.

2. The institution shall cause to be published in at least one newspaper of general circulation in the county in which the institution is located at least once a week for 2 consecutive weeks a notice and listing of the property. The notice must contain:

(a) The name and last known address, if any, of the last known owner of the property;

(b) A description of the property; and

(c) A statement that if proof of a claim is not presented by the owner to the institution and if the owner's right to receive the property is not established to the institution's satisfaction within 60 days after the date of the second published notice, the property will be considered abandoned and become the property of the institution.

3. If no claim has been made to the property within 60 days after the date of the second published notice, title, including literary rights, to the property vests in the institution, free from all claims of the owner and of all persons claiming through or under him.

(1985, p. 134; 1993, ch. 466, S 329, p. 1587.)

NOTES, REFERENCES, AND ANNOTATIONS

Effective date. -- Acts 1993, ch. 466, S 1312, provides in pertinent part: "This act becomes effective upon passage and approval [July 9, 1993] for the purpose of authorizing any preliminary activities necessary to ensure that the provisions of this act are carried out in an orderly fashion and on October 1, 1993, for all other purposes."

Effect of Amendment. -- The 1993 amendment substituted "division" for "department" near the beginning of subsection 1.

N. R. S. 381.009

NV ST 381.009

NORTH DAKOTA

NORTH DAKOTA CENTURY CODE

TITLE 55. STATE HISTORICAL SOCIETY AND STATE PARKS

CHAPTER 55-12. MUSEUM OR HISTORICAL SOCIETY UNCLAIMED PROPERTY

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Current through End of 1999 Reg. Sess.

55-12-01 When property held by museum or historical society deemed abandoned.

Any property held by a museum or historical society in this state that is held for ten years or more and to which no person has made claim is deemed to be abandoned and becomes the property of the museum or society, provided the museum or society has complied with the publication and notice requirements of this chapter.

55-12-02 Publication of notice of abandoned property.

The museum or society shall publish a notice as a display advertisement entitled "notice of abandoned property held by a museum or historical society" at least once each week for two successive weeks in a legal newspaper of general circulation in the county in this state where the last known address of any owner of property named in the notice is located. If no address is listed or if the address is outside this state, the notice must be published in the county in which the holder of the abandoned property has that person's principal place of business within this state.

55-12-03 Notice requirements for abandoned property.

The published notice for abandoned property held by a museum or historical society must contain:

1. The name and last known address, if any, of the last known owner of property;
2. A description of the property; and
3. A statement that if proof of claim is not presented by the owner to the museum or society and if the owner's right to receive the property is not established to the museum's or society's satisfaction within sixty-five days from the date of the second published notice, the property is deemed abandoned and becomes the property of the museum or society.

55-12-04 Title to abandoned property vested in museum or historical society.

If no claim has been made to the property within sixty-five days from the date of the second published notice, title to the property vests in the museum or society, free of all claims of the owner and of all persons claiming through or under the owner.

Source: S.L. 1995, ch. 543, § 1.

NOTES, REFERENCES, AND ANNOTATIONS

Effective Date.

This chapter became effective August 1, 1995.

NDCC 55-12-01	ND ST 55-12-01
NDCC 55-12-02	ND ST 55-12-02
NDCC 55-12-03	ND ST 55-12-03
NDCC 55-12-04	ND ST 55-12-04

SOUTH DAKOTA

SOUTH DAKOTA CODIFIED LAWS

TITLE 43. PROPERTY

CHAPTER 43-41C. UNCLAIMED PROPERTY HELD BY MUSEUMS OR HISTORICAL SOCIETIES

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Current through End of 1999 Reg. Sess.

43-41C-1 Property held by a museum or historical society deemed abandoned.

Any property held by a museum or historical society in the state which is held for ten years or more and to which no person has made claim is deemed to be abandoned and becomes the property of the museum or society, if the museum or society has complied with §§ 43-41C-2 and 43-41C-3.

43-41C-2 Publication of notice of abandoned property held by a museum or historical society.

The museum or society shall publish a notice as a display advertisement entitled "Notice of Abandoned Property Held by a Museum or Historical Society" at least once each week for two successive weeks. The notice shall be published in a legal newspaper of general circulation of any county in this state in which is located the last known address of any owner of property 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 the state.

43-41C-3 Notice requirements for abandoned property held by a museum or historical society.

The published notice required by § 43-41C-2 shall contain:

- (1) The name and last known address, if any, of the last known owner of property;
- (2) A description of the property; and
- (3) A statement that if proof of claim is not presented by the owner to the museum or society and if the owner's right to receive the property is not established to the museum's or society's satisfaction within sixty-five days from the date of the second published notice, the property shall be deemed abandoned and shall become the property of the museum or society.

43-41C-4 Title to abandoned property vested in museum or historical society.

If no claim has been made to the property within sixty-five days from the date of the second published notice, title to the property vests in the museum or society, free from all claims of the owner and of all persons claiming through or under him.

Source: SL 1993, ch 328.

SDCL § 43-41C-1
SDCL § 43-41C-2
SDCL § 43-41C-3
SDCL § 43-41C-4

SD ST § 43-41C-1
SD ST § 43-41C-2
SD ST § 43-41C-3
SD ST § 43-41C-4

TENNESSEE

T.C.A. § 66-29-202

TENNESSEE CODE ANNOTATED

TITLE 66 PROPERTY

CHAPTER 29 ABANDONED OR UNCLAIMED PROPERTY

Part 2-- Abandoned Cultural Property

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Current through End of 1998 Reg. Sess.

66-29-202 Definitions.

As used in this part, unless the context otherwise requires:

(1) "Abandoned cultural property" means cultural property meeting the following three (3) conditions:

(A) The property shall have been deposited with a museum, historical society, or similar not-for-profit institution for a period of at least twenty (20) years; or the property shall have been deposited with a museum, historical society, or similar not-for-profit institution for a definite term which has been expired for at least twenty (20) years;

(B) The museum, historical society, or similar not-for-profit institution has been unable to contact the original depositor by certified mail; and

(C) The original depositor or such depositor's heirs or assigns have not contacted the museum, historical society, or similar not-for-profit institution for at least twenty (20) years;

(2) "Cultural property" means any work of art, regardless of the medium; any work of decorative art; any craft work; photographs; documents; costumes; weapons; the tools and equipment of the various trades and professions; archaeological and geological specimens; zoological and botanical specimens; historical postage and currency; silverware; objects associated with historical persons or events; and in general, any object which, when exhibited, serves to further the educational goals of the exhibiting institution; and

(3) "Museum" means those museums and art galleries owned or operated by the state of Tennessee or any political subdivision of the state, and those museums, historical societies, and art galleries owned and operated by not-for-profit corporations.

[Acts 1984, ch. 862, § 2; 1985, ch. 153, § 1; 1991, ch. 203, §§ 1, 2.]

REFERENCES

Textbooks. Tennessee Forms (Robinson, Ramsey and Harwell), No. 7-601.

T.C.A. § 66-29-202

TN ST § 66-29-202

TEXAS

VERNON'S TEXAS STATUTES AND CODES ANNOTATED PROPERTY CODE

TITLE 6A. PROPERTY LOANED TO MUSEUMS

CHAPTER 80. OWNERSHIP, CONSERVATION, AND DISPOSITION OF PROPERTY LOANED TOMUSEUM

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Current through End of 1997 Reg. Sess.

§ 80.001. Purposes

The purposes of this chapter are to establish the ownership of loaned cultural property that has been abandoned by the lender, to establish uniform procedures for the termination of loans of property to museums, to allow museums to conserve loaned property under certain conditions, and to limit actions to recover loaned property.

§ 80.002. Definitions

In this chapter:

- (1) "Museum" means an institution located in this state and operated by a nonprofit corporation or public agency, primarily educational, scientific, or aesthetic in purpose, that owns, borrows, or cares for and studies, archives, or exhibits property.
- (2) "Lender" means a person whose name appears on the records of a museum as the person entitled to property held or owed by the museum.
- (3) "Loan," "loaned," and "on loan" include all deposits of property with a museum that are not accompanied by a transfer of title to the property.
- (4) "Property" or "cultural property" means all tangible objects, animate and inanimate, under a museum's care that have intrinsic, scientific, historic, artistic, or cultural value.

§ 80.003. Notice to Lender

- (a) If a museum is required to give a lender notice under this chapter, the museum is considered to have given the lender notice if the museum mails the notice to the lender at the lender's address and proof of receipt is received by the museum within 30 days after the date the notice is mailed.
- (b) If the museum does not have an address for the lender or if proof of receipt is not received by the museum, the notice is considered to be given if the museum publishes notice at least once a week for two consecutive weeks in a newspaper of general circulation in both the county in which the museum is located and the county of the lender's address, if known.
- (c) In addition to any other information prescribed by this chapter, notices given under this chapter must contain, if known, the lender's name, the lender's address, the date of the loan, and the name, address, and telephone number of the appropriate office or official to be contacted at the museum for information regarding the loan.

§ 80.004. Abandoned Property; Notice; Title to Property

(a) Unless there is a written unexpired loan agreement to the contrary, any property on loan to a museum for 15 years or more and to which no person has made claim according to the records of the museum is considered abandoned and, notwithstanding Chapter 72, becomes the property of the museum if the museum has given the lender notice in accordance with Section 80.003.

(b) If no valid claim has been made to the property within 65 days after the date of the last notice given under Section 80.003, title to the property vests in the museum free from all claims of the owner and all persons claiming through or under the owner.

§ 80.005. Intent to Terminate Loan; Form; Transformation of Specified Term to Indefinite Term

(a) A museum may give the lender notice of the museum's intent to terminate a loan that was made for an indefinite term or for a term in excess of seven years. A notice of intent to terminate a loan given under this section must comply with Section 80.003 and must include a statement containing substantially the following information:

The records of (name of museum) indicate that you have property on loan to it. The museum wishes to terminate the loan. You must contact the museum, establish your ownership of the property, and make arrangements to collect the property. If you fail to do so within 65 days after the date of this notice, you will be deemed to have donated the property to the museum. See Chapter 80, Property Code.

(b) If, within 65 days after the date of the notice given under Subsection (a), the lender fails to contact the museum, establish ownership of the property, and make arrangements to collect the property, the property is considered to be donated to the museum.

(c) For the purposes of this chapter, a loan for a specified term becomes a loan for an indefinite term if the property remains in the custody of the museum when the specified term expires.

§ 80.006. Conservation or Disposal of Loaned Property; Conditions; Lien; Liability of Museum

(a) Unless there is a written loan agreement to the contrary, a museum may apply conservation measures to or dispose of property on loan to the museum without a lender's permission if immediate action is required to protect the property on loan or to protect other property in the custody of the museum, or the property on loan has become a hazard to the health and safety of the public or of the museum's staff, and:

- (1) the museum cannot reach the lender at the lender's last address of record so that the museum and the lender can promptly agree on a solution; or
- (2) the lender will not agree to the protective measures the museum recommends, yet is unwilling or unable to terminate the loan and retrieve the property.

(b) If a museum applies conservation measures to or disposes of property under Subsection (a), the museum:

- (1) has a lien on the property and on the proceeds from any disposition of the property for the costs incurred by the museum; and

(2) is not liable for injury to or loss of the property if the museum:

(A) had a reasonable belief at the time the action was taken that the action was necessary to protect the property on loan or other property in the custody of the museum, or that the property on loan constituted a hazard to the health and safety of the public or the museum's staff; and

(B) exercised reasonable care in the choice and application of the conservation measures.

§ 80.007. Action to Recover Property; Limitations

(a) The two-year limitation on actions to recover personal property prescribed by Section 16.003, Civil Practice and Remedies Code, runs from the date the museum gives the lender notice of its intent to terminate the loan under Section 80.005.

(b) No action may be brought against a museum to recover property on loan to a museum for 15 years or more and to which no person has made claim if the museum has complied with Section 80.004.

(c) A lender is considered to have donated loaned property to a museum if the lender fails to file an action to recover the property on loan to the museum within the period specified by Subsection (a).

(d) A person who purchases property from a museum acquires valid title to the property if the museum represents that it has acquired title to the property under Subsection (b) or (c).

§ 80.008. Notice of Provisions of Chapter; Lender's Notices

(a) If, after August 31, 1987, a museum accepts a loan of property for an indefinite term or for a term in excess of seven years, the museum shall inform the lender in writing at the time of the loan of the provisions of this chapter.

(b) The lender of property to a museum shall notify the museum promptly in writing of any changes of address or change in ownership of the property.

CREDIT(S)

1995 Main Volume

Added by Acts 1987, 70th Leg., ch. 1076, § 1, eff. Sept. 1, 1987.

General Materials (GM) - References, Annotations, or Tables

HISTORICAL AND STATUTORY NOTES

1995 Main Volume

Section 2 of the 1987 Act provides:

"Except as otherwise specifically provided by this Act, this Act applies to all loans of property to museums regardless of the dates of the loans."

LIBRARY REFERENCES

1995 Main Volume

Texts and Treatises

63 Texas Jur 3d, Real Est Sales § 62.

V. T. C. A., Property Code § 80.001
V. T. C. A., Property Code § 80.002
V. T. C. A., Property Code § 80.003
V. T. C. A., Property Code § 80.004
V. T. C. A., Property Code § 80.005
V. T. C. A., Property Code § 80.006
V. T. C. A., Property Code § 80.007
V. T. C. A., Property Code § 80.008

TX PROPERTY § 80.001
TX PROPERTY § 80.002
TX PROPERTY § 80.003
TX PROPERTY § 80.004
TX PROPERTY § 80.005
TX PROPERTY § 80.006
TX PROPERTY § 80.007
TX PROPERTY § 80.008

WASHINGTON

WEST'S REVISED CODE OF WASHINGTON ANNOTATED

TITLE 63. PERSONAL PROPERTY

CHAPTER 63.26. UNCLAIMED PROPERTY HELD BY MUSEUM OR HISTORICAL SOCIETY

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Current through End of 1999 Sp. Sess.

63.26.020. Abandoned property--Notice

Any property held by a museum or historical society within the state, other than by terms of a loan agreement, that has been held for five years or more and has remained unclaimed shall be deemed to be abandoned. Such property shall become the property of the museum or historical society if the museum or society has given notice pursuant to RCW 63.26.040 and no assertion of title has been filed for the property within ninety days from the date of the second published notice.

63.26.040. Notice of abandonment of property

(1) When a museum or historical society is required to give notice of abandonment of property or of termination of a loan, the museum or historical society shall mail such notice by certified mail, return receipt requested, to the last known owner at the most recent address of such owner as shown on the museum's or society's records. If the museum or society has no address on record, or the museum or society does not receive written proof of receipt of the mailed notice within thirty days of the date the notice was mailed, the museum or society shall publish notice, at least once each week for two consecutive weeks, in a newspaper of general circulation in both the county in which the museum is located and the county in which the last known address, if available, of the owner is located.

(2) The published notice shall contain:

(a) A description of the unclaimed property;

(b) The name and last known address of the owner;

(c) A request that all persons who may have any knowledge of the whereabouts of the owner provide written notice to the museum or society; and

(d) A statement that if written assertion of title is not presented by the owner to the museum or society within ninety days from the date of the second published notice, the property shall be deemed abandoned or donated and shall become the property of the museum or society.

(3) For purposes of this chapter, if the loan of property was made to a branch of a museum or society, the museum or society is deemed to be located in the county in which the branch is located. Otherwise the museum or society is located in the county in which it has its principal place of business.

CREDIT(S)

1994 Main Volume

[1988 c 226 § 4.]

General Materials (GM) - References, Annotations, or Tables

West's RCWA 63.26.020

WA ST 63.26.020

[1988 c 226 § 6.]

General Materials (GM) - References, Annotations, or Tables

West's RCWA 63.26.040

WA ST 63.26.040

WISCONSIN

W.S.A. 171.32

WEST'S WISCONSIN STATUTES ANNOTATED

POLICE REGULATIONS

CHAPTER 171. UNCLAIMED PROPERTY

SUBCHAPTER II. PROPERTY IN POSSESSION OF A MUSEUM OR ARCHIVES

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Current through 1999 Act 7, published 8/11/1999

171.32. Acquiring title to abandoned property

(1) Property loaned to a museum or archives whose loan has an expiration date is abandoned when there has not been written contact between the owner and the museum or archives for at least 7 years after that expiration date. If the loan has no expiration date, the property is abandoned when there has not been written contact between the owner and the museum or archives for at least 7 years after the museum or archives took possession of the property.

(2) If a museum or archives wishes to acquire title to abandoned property, the museum or archives shall, not less than 60 days after property is abandoned under sub. (1), send a notice by certified mail with return receipt requested to the owner's last known address. The notice shall contain all of the following:

(a) A statement that the loan is terminated and that the property is abandoned.

(b) A description of the property.

(c) A statement that the museum or archives will become the owner of the property if the present owner does not submit a written claim to the property to the museum or archives within 60 days after receipt of the notice.

(d) A statement that the museum or archives will make arrangements with the owner to return the property to the owner or dispose of the property as the owner requests if the owner submits a written claim to the property to the museum or archives within 60 days after receipt of the notice.

(e) The notice shall be substantially in the following form:

NOTICE OF ABANDONMENT OF PROPERTY

To: (name of owner)

..... (address of owner)

Please be advised that the loan agreement is terminated for the following property (describe the property in sufficient detail to identify the property):

.....
.....

The above described property that you loaned to ... (name and address of museum or archives) will be considered abandoned by you and will become the property of ... (name of museum or archives) if you fail to submit to the museum or archives a written claim to the property within 60 days after receipt of this notice.

If you do submit a written claim to the property within 60 days after receipt of this notice, ... (name of museum or archives) will arrange to return the property to you or dispose of

the property as you request. The cost of returning the property to you or disposing of the property is your responsibility unless you have made other arrangements with the museum or archives.

.....
(name of person to contact at
museum or archives and address
of museum or archives)

(3) If the notice sent by the museum or archives under sub. (2) is returned to the museum or archives undelivered, the museum or archives shall give notice of the abandoned property by publication of a class 2 notice under ch. 985 containing the following:

(a) The name and last-known address of the present owner.

(b) A description of the property.

(c) A statement that the property is abandoned and that the museum or archives will become the owner of the property if no person can prove his or her ownership of the property.

(d) A statement that a person claiming ownership of the property shall notify the museum or archives in writing of that claim within 60 days after publication of the last legal notice.

(e) The name and mailing address of the person who may be contacted at the museum or archives if a person wants to submit a written claim to the property.

(4)(a) If the museum or archives receives a timely written claim for the property from the owner or his or her agent in response to the notice sent under sub. (2) or (3), the museum or archives shall return the property to the owner or dispose of the property as the owner requests. The owner shall advise the museum or archives in writing as to how the property shall be disposed of or returned to the owner. Costs of returning the property or disposing of the property shall be the responsibility of the owner unless the owner and the museum or archives have made other arrangements.

(b) If the museum or archives receives a timely written claim for the property from a person other than the person who loaned the property to the museum or archives in response to the notice sent under sub. (2) or (3), the museum or archives shall, within 60 days after receipt of the written claim, determine if the claim is valid. A claimant shall submit proof of ownership with the claim. If more than one person submits a timely written claim, the museum or archives may delay its determination of ownership until the competing claims are resolved by agreement or legal action. If the museum or archives determines that the claim is valid, or if the competing claims are resolved by agreement or judicial action, the museum or archives shall return the property to the claimant submitting the valid claim or dispose of the property as the valid claimant requests. Costs of returning the property or disposing of the property shall be the responsibility of the valid claimant.

(c) If the museum or archives does not receive a timely written claim to the property or if the museum or archives determines that no valid timely claim to the property was submitted, the museum or archives becomes the owner of the property. The museum or archives becomes the owner of the property on the day after the period for

submitting a written claim ends or on the day after the museum or archives determines that no valid timely written claim was submitted. The museum or archives owns the property free from all claims.

For credits, see Historical Note field.

General Materials (GM) - References, Annotations, or Tables

HISTORICAL AND STATUTORY NOTES

1998 Main Volume

Source:

1993 Act 18, § 4, eff. Sept. 3, 1993.

1993 Act 18, § 5(1) provides:

"The treatment of sections 171.30, 171.32 and 171.33 of the statutes first applies to property in the possession of a museum or archives on the effective date [Sept. 3, 1993] of this subsection."

W. S. A. 171.32

WI ST 171.32

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