

ALABAMA HISTORICAL COMMISSION  
ADMINISTRATIVE CODECHAPTER 460-X-13  
UNDOCUMENTED AND UNCLAIMED PROPERTY

## TABLE OF CONTENTS

460-X-13-.01	Undocumented And Unclaimed Property
460-X-13-.02	Definitions
460-X-13-.03	Property On Loan To The Commission
460-X-13-.04	Property Held In Temporary Custody By The Commission
460-X-13-.05	Notice

**460-X-13-.01      Undocumented And Unclaimed Property.**

To ensure proper, long term management of property in its collection, the Alabama Historical Commission relies on permanent acquisition and lawful deaccession. Both actions require clear title. The purpose of these regulations is to obtain clear title to property that is undocumented, unclaimed, or has been deemed to be abandoned.

**Author:** William D. Little, Clyde Eller

**Statutory Authority:** Code of Ala 1975, §41-9-249(7)a.

**History: New Rule:** Filed September 13, 2012; effective October 18, 2012.

**460-X-13-.02      Definitions.**

The following definitions shall apply to this section.

(a) Abandoned Property. Any undocumented property that has been held by the Commission for five years or more and has remained unclaimed,

(b) Acquisition. To obtain property by lawful means.

(c) Clear Title. Unencumbered or unrestricted legal ownership that is free from doubt as to its validity.

(d) Commission. The Alabama Historical Commission.

(e) Deaccession. To remove from the collection of the Commission.

(f) Loan. A deposit of property that the records of the Commission indicate was loaned rather than donated to the Commission.

(g) Property. Personal property, including but not limited to books, materials, documents, and tangible objects in the possession of the Commission.

(h) Temporary Custody. A deposit of property that the records of the Commission indicate is to be held by the Commission at the request of the owner without a transfer of title to the Commission. Property placed "on deposit" with the Commission shall be considered to be in the temporary custody of the Commission

(i) Undocumented Property. Property in the possession of the Commission for which the Commission cannot determine by reference to the Commission's records the property owner.

**Author:** William D. Little, Clyde Eller

**Statutory Authority:** Code of Ala 1975, §41-9-249(7)a.

**History: New Rule:** Filed September 13, 2012; effective October 18, 2012.

#### **460-X-13-.03      Property On Loan To The Commission.**

(a) Property on loan to the Commission for a definite term and which at the end of the term has not been claimed shall be considered subject to acquisition or deaccession if the Commission gives notice pursuant to 460-x-13-.05. and no assertion of title has been made.

(b) Property on loan to the Commission for an indefinite term and held by the Commission for five years without being claimed shall be considered subject to acquisition or deaccession if the Commission gives notice pursuant to 460-x-13-.05 and no assertion of title has been made. Property on "permanent loan" to the Commission shall be deemed to be loaned for an indefinite term.

**Author:** William D. Little, Clyde Eller

**Statutory Authority:** Code of Ala 1975, §41-9-249(7)a.

**History: New Rule:** Filed September 13, 2012; effective October 18, 2012.

#### **460-X-13-.04      Property Held In Temporary Custody By The Commission.**

(a) Property held in temporary custody for a definite term by the Commission shall be considered subject to acquisition or deaccession if, at the end of the specified period of temporary custody, no assertion of title has been made, and further the

Commission has given notice pursuant to 460-x-13-.05 and after this notice no assertion of title has been made.

(b) Property held in temporary custody not for a definite period by the Commission shall be considered subject to acquisition if at the end of five years from the beginning of temporary custody, no assertion of title has been made, and further the Commission has given notice pursuant to 460-x-13-.05 and after this notice no assertion of title has been made.

**Author:** William D. Little, Clyde Eller

**Statutory Authority:** Code of Ala 1975, §41-9-249(7)a.

**History: New Rule:** Filed September 13, 2012; effective October 18, 2012.

**460-X-13-.05      Notice.**

(a) When the Commission seeks to acquire clear title either to abandoned property, property on loan, or property held in temporary custody, the Commission shall mail notice of this intent by certified mail, return receipt requested, to the person listed as owner in the Commission's records. This mailing shall be to the owner's address according to the Commission's records and to any other address for the owner that can be discovered through reasonable diligence. If the Commission has no record of the owner, or has no address for the owner, either in its records or through the exercise of reasonable diligence, or if the Commission does not receive written proof of receipt of the mailed notice within 30 days of the mailing of the notice, the Commission shall publish notice, at least once each week for two consecutive weeks, in a newspaper of general circulation in both Montgomery County and the county in which the last known address, if available, of the owner, if known, is located.

(b) The published notice shall contain the following:

1. A description of the property
2. The name, if known, and last known address of the owner
3. A request that all persons who may have any knowledge of the location of the owner provide written notice to the Commission
4. A statement that if written assertion of title is not presented by the owner to the Commission within ninety days from the date of the last published notice, the property shall be deemed donated and shall become the property of the Commission.

**Author:** William D. Little, Clyde Eller

**Statutory Authority:** Code of Ala 1975, §41-9-249(7)a.

**History:** **New Rule:** Filed September 13, 2012; effective October 18, 2012.