

TITLE XXIX

ABANDONED PROPERTY CODE

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§29-1-1 Title

This Title shall apply to unclaimed property that is held by the Tribe.

§29-1-2 Definitions

For purposes of this Title the following definitions shall apply:

- (a) “Intangible Personal Property” means monies, checks, drafts or other forms of property constituting readily available cash;
- (b) “Person” means any individual, business association, corporation, public authority, estate, trust, two or more persons having a joint or common interest, or any other legal or commercial entity whether such person is acting in his own right or in a representative capacity;
- (c) “Secretary/Treasurer” means the Secretary/Treasurer of the Mississippi Band of Choctaw Indians or his authorized designee;
- (d) “Tangible Personal Property” means personal property other than intangible personal property as defined herein; and
- (e) “Tribe” or “Tribal” means the Mississippi Band of Choctaw Indians and any governmental agencies thereof.

§29-1-3 Lost or Abandoned Tangible Property

If any tangible items of personal property are left on the premises of Tribal offices or facilities, or are found within the common area of Tribal public land or buildings, excluding land or buildings under the control of a Tribal enterprise as defined in Tribal Ordinance No. 56, or premises constituting a hotel as defined in Tribal Code §28-1-2, and such property is not claimed forthwith by a person with a valid ownership interest in property, the property shall be deposited with the Secretary/Treasurer who shall keep the property in safekeeping. The Secretary/Treasurer shall take reasonable steps to notify the owner, if known, of the tangible property in its possession, including a letter in writing within ten (10) days by United States Mail to persons whose name and/or address appears upon the times of personal property so found. If no response is received by the Secretary/Treasurer sending notice within forty-five (45) days after the mailing of notice, then the personal property may be sold to the highest bidder for cash, or the Secretary/Treasurer may otherwise dispose of the property if he deems the value thereof insufficient to justify the expense of a sale. The proceeds from any such sale are to be deposited in the general fund of the Tribe.

§29-1-4 Lost or Abandoned Intangible Property

Any intangible property left on the premises of Tribal offices or facilities or that is found within the common area of Tribal public land or buildings, excluding land or buildings under the control of a Tribal enterprise as defined in Tribal Ordinances No. 56 or premises constituting a hotel pursuant to Tribal Code §28-1-2, shall be turned over the Secretary/Treasurer who shall maintain it in safekeeping. The Secretary/Treasurer shall take reasonable steps to notify the owner, if known, of the intangible property of his having possession, including a letter sent by United States Mail. If no

person claims to be the owner of the property within forty-five (45) days after notice has been mailed by the Secretary/Treasurer, the Secretary/Treasurer shall disburse the intangible personal property into the general fund of the Tribe.

§29-1-5 Inventory

The Secretary/Treasurer shall maintain an inventory of any personal property, whether tangible or intangible, that comes under the control of the Secretary/Treasurer under this Title. The inventory is to include the date the property arrived at the office of the Secretary/Treasurer, its location when found, the date when found and a description of the property.

§29-1-6 Claims for Property

If any person makes a claim for lost or found intangible or tangible personal property, such person shall have the burden of proving the legal entitlement to the property. The Secretary/Treasurer is authorized to decide if the person is legally entitled to the property. If more than one person makes a claim for any personal property, and the Secretary/Treasurer cannot determine which of the persons would legally be entitled to the property, the Secretary/Treasurer may interplead the property into the Choctaw Tribal Court for disposition by the court.

§29-1-7 Unclaimed Distribution Checks

- (1) If a distribution check sent pursuant to Title XV, Chapter 4 is returned or otherwise not claimed, it shall be retained by the issuer for two (2) years after date it was originally mailed, after which it shall be turned over to the Secretary/Treasurer for disbursement into the general revenue fund of the Tribe.
- (2) This section shall not apply to distribution checks that are issued to members of the Tribe who are under eighteen (18) years of age.

§29-1-8 Regulations and Rules

The Secretary/Treasurer is authorized to promulgate any rules and regulations deemed necessary to implement the provisions of this Title.

§29-1-9 Lost or Abandoned Property of Tribal Enterprises

If any tangible or personal property is found on the premises or property of a Tribal enterprise, as defined in Tribal Ordinance No. 56, other than a hotel as defined in Tribal Code §28-1-2, and such property is not claimed forthwith by a person with a valid ownership interest in the property, then the procedure set forth in §§29-1-4-29-1-8 shall be followed except that the general manager or chief executive officer of the enterprise shall carry out the duties and responsibilities delineated for the Secretary/Treasurer of the Tribe in such sections, and any disbursement of funds allowed shall be to the general fund of the enterprise rather than the general fund of the Tribe. The board of any Tribal enterprise is authorized to promulgate rules and regulations deemed necessary to implement the provisions of this Chapter with regard to such enterprise.

§29-1-10 Compliance as a Bar

Compliance with this Title shall be a perpetual bar to any action against the Tribe, a Tribal enterprise or their employees for the recovery of personal property, or the value thereof, or for any damage growing out of failure of the owner to receive such property.

§29-1-11 Non-Applicability to Hotels

Any personal or intangible property left on the premises of a hotel as defined in Tribal Code §28-1-2 shall be handled in accordance with the provisions of Title 28.