

Lost and Found



Reclaiming What's Yours

Each year, lost and forgotten property is turned over to the states of Utah and Idaho because the owner cannot be located. You, too, may have unclaimed money or goods waiting to be claimed, and not even know it.

By Nathan Scharton Each state has specific rules governing the treatment of unclaimed property. Frequently, property becomes abandoned as a result of an address change, a name change, death of the owner or simple forgetfulness. The holders of the unclaimed property, such as banks, landlords, hospitals, utilities, mutual funds, brokerage firms, insurance companies and other organizations must attempt for a certain period of years — generally five in Idaho and Utah — to find the owner of the property. After that period passes, the property is considered abandoned and the holder is required to remit it to the Unclaimed Property Division of the Utah State Treasurer's Office, and in Idaho, to the Idaho Tax Commission.

Unclaimed property is usually money, but can also include stocks, bonds, mutual funds or items stored in safe-deposit boxes. Unclaimed property does not include real estate, cars or boats.

How can you find out if there's unclaimed property waiting for you? You can call or write to, or check online with, the unclaimed property office in each state in which you or your deceased relatives have ever lived. As of August 2009, you can file a claim in Idaho using an online claim service through its Web site at www.tax.idaho.gov. In Utah, you can search for unclaimed property online at www.up.utah.gov/UP_Start.asp. You should check with these offices every five years or so, even if you think you haven't lost any property. The unclaimed property office will ask for identifying information, including your name (also your maiden or former names), your current address and your past addresses within the state you are searching, and your Social Security number.

You can also check for unclaimed property from federal sources like the IRS, online at www.irs.gov, or national sources like the National Association of Unclaimed Property Administrators (www.unclaimed.org). Billions of dollars go unpaid by the IRS every year because taxpayers don't file their income return, which would entitle them to a refund. From time to time you may be approached by third parties stating they have located unclaimed property that belongs to you. Don't pay to have your unclaimed property recovered for you. You can identify your property for free with a few phone calls or Web searches.

All of this begs the question: How does one avoid losing property or money in the first place? To prevent your money from becoming unclaimed property, you should keep essential data on all of your family's assets, such as bank accounts, CDs, escrow accounts, retirement accounts (401(k), IRA, etc.), layaways, security deposits, bonds, stocks, mutual funds, life insurance policies and safe-deposit boxes. If you change your name or address, make sure the account manager for each account is informed of the change. If you regularly receive payments from any of these sources, and the payments stop coming, promptly notify the company of the problem. ❖

Nathan Scharton is a shareholder at Callister Nebeker and McCullough in Salt Lake City and focuses his practice on general corporate and real estate law. Visit him on the Web at www.cnmlaw.com.

Please note: The preceding article is offered for informational purposes only, and should not be construed as legal advice or as pertaining to specific factual situations. Consult with an attorney concerning your own needs and circumstances and to obtain any legal advice with respect to the topics discussed in the article.