

**393.130 Rights and duties of persons who have transferred property to department.**

- (1) Upon the payment or delivery of abandoned property to the department, the state shall assume custody and shall be responsible for the safekeeping thereof. Any person who pays or delivers abandoned property to the department under this chapter is relieved of all liability which then exists or which thereafter may arise or be made in respect to the property.
- (2) Any holder of property who has paid moneys to the department pursuant to this chapter may make payment to any person appearing to such holder to be entitled thereto, and upon proof of such payment and proof that the payee was entitled thereto, the department shall forthwith reimburse the holder or company, without imposing a fee or other charge. The department may accept a holder's affidavit as sufficient proof of the holder's right to recover money under this section.
- (3) Notwithstanding the provisions of KRS 393.140, posting or advertising is not required in the event payment is made to persons entitled thereto by holders of deposits of life insurance companies in compliance with this section. The claim shall be paid without deduction for the cost of advertising or services provided in KRS 393.115.
- (4) Upon payment or delivery of property presumed abandoned, other than money, by a holder to the department in accordance with this chapter, any person appearing entitled thereto shall receive from the department, in addition to proceeds from the liquidation or conversion of the property, any income or gain realized or accruing to the property at or before the liquidation or conversion of the same.
- (5) Property that is held in an interest-bearing demand, savings, or time deposit shall, from the time that it is presumed abandoned in accordance with this chapter, be placed by the holder in an interest-bearing account made assignable to the department. The department, through its employees, may examine the records relevant to the establishment and maintenance of an interest-bearing account in accordance with KRS 393.280. Upon demand and proper proof by a person appearing entitled to payment of property or portions of property so deposited, the holder may withdraw the property and any accrued interest for payment to the person entitled thereto. Property so deposited and not claimed by a person appearing properly entitled to receipt shall be paid, with accrued interest, to the department ten (10) years after it is presumed abandoned or upon establishment of actual abandonment, whichever occurs first.
- (6) Property removed from a safe deposit box or other safekeeping depository is received by the department subject to the holder's right to be reimbursed for the cost of opening and to any valid lien or contract providing for the holder to be reimbursed for unpaid or other charges. The department shall reimburse the holder out of the proceeds remaining after deducting the expense incurred by the department in selling the property.

**Effective:** July 15, 1998

**History:** Amended 1998 Ky. Acts ch. 560, sec. 3, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 58, sec. 10, effective March 10, 1994. -- Amended 1960 Ky. Acts

ch. 142, sec. 12, effective June 16, 1960. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1613.