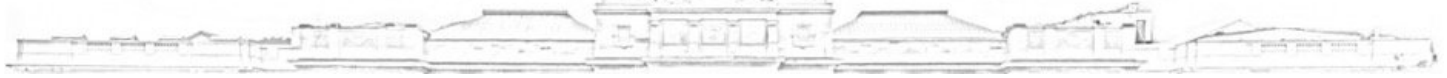




ADMINISTRATIVE RULES OF MONTANA



42.38.305 CLAIMS FOR RECOVERY OF PROPERTY DELIVERED TO STATE

- (1) The owner of property which has been delivered to the department as abandoned property may claim the property or the proceeds of the property on forms supplied by the department. The department may waive the requirement for the owner's submission of a claim form provided the criteria in 70-9-815, MCA, are met.
- (2) General claim requirements are as follows:
 - (a) Submission of a claim and request for return of property in the possession of the department must be on a form prescribed by the department and bearing the notarized signature of the owner, if required by the department.
 - (b) The department may require production of originals or copies of driver's license, social security card, voter registration card, or any other documents needed to verify a claimant's identity and signature.
 - (c) A claim received from an owner of property held by the department shall have first payment priority over any other claim, unless:
 - (i) the other claim is supported by a court ordered judgment against the owner; or
 - (ii) a bond or other indemnified claim is received from the former holder of the property.
- (3) Specific claim requirements are as follows:
 - (a) In the course of verifying a claim, the department is authorized to require reproduction of any of the following:
 - (i) a properly completed claim form prescribed by the department, bearing the notarized signature of the claimant;
 - (ii) original negotiable instrument;
 - (iii) a stock certificate;
 - (iv) check;
 - (v) money orders;
 - (vi) certificate of deposit; and
 - (vii) cashier's check.
 - (b) Originals or photocopies of any of the following documents to substantiate the right to claim property:
 - (i) death certificate;

- (ii) birth certificate;
 - (iii) marriage license of claimant or decedent;
 - (iv) complete last will and testament or letter from the Clerk of District Court stating there is no will or probate record on file;
 - (v) insurance policy;
 - (vi) document establishing trust;
 - (vii) power of attorney;
 - (viii) indemnity bond;
 - (ix) articles of incorporation;
 - (x) final account of decree of distribution;
 - (xi) valid driver's license;
 - (xii) social security card;
 - (xiii) voter registration card;
 - (xiv) court document showing appointment as personal representative, executor, executrix, conservator, etc.;
 - (xv) affidavit of authority to receive and disburse funds for the company;
 - (xvi) affidavit for collection of personal property of decedent;
 - (xvii) proof of federal identification number;
 - (xviii) proof of address;
 - (xix) disposition of stock; and
 - (xx) decedent's family history.
- (4) The department may request other documents as is reasonably necessary to verify a claim under (3).

Authorizing statute(s): 70-9-828, MCA

Implementing statute(s): 70-9-815, 70-9-825, MCA

History: Eff. 12/31/72; AMD, Eff. 7/5/75; AMD, 1992 MAR p. 2570, Eff. 11/26/92; AMD, 1998 MAR p. 2511, Eff. 9/11/98; AMD, 2012 MAR p. 1000, Eff. 5/11/12; TRANS, from ARM 42.38.203, 2015 MAR p. 2036, Eff. 11/13/15; AMD, 2026 MAR, Notice No. 2026-126, Eff. 9/5/26.