

PERSONAL PROPERTY, ABANDONED

Chapter 18**PERSONAL PROPERTY, ABANDONED****§ 18-1. Definitions.****§ 18-2. Disposal to be in compliance with chapter.****§ 18-3. Procedure for sale.****§ 18-4. Disposition of proceeds following sale.**

[HISTORY: Adopted by the Council of the Town of Middleburg at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

§ 18-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

UNCLAIMED PERSONAL PROPERTY - Any personal property belonging to another which has been acquired by a town officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner and which the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act of the Code of Virginia, 1950 as amended.

§ 18-2. Disposal to be in compliance with chapter.

Any unclaimed personal property in the possession of the Town Police Department and unclaimed for a period of more than sixty (60) days shall be disposed of in accordance with this chapter.

§ 18-3. Procedure for sale.

Prior to the sale of any unclaimed item, the Chief of Police shall make reasonable attempts to notify the rightful owner of the property, obtain from the Commonwealth's Attorney in writing a statement advising that the item is not needed in any criminal prosecution and cause to be published in a newspaper of general circulation within the town, once a week for two (2) successive weeks, notice that there will be a public sale of unclaimed personal property. Such property shall be described generally in the notice, together with the date, time and place of the sale. The Chief of Police shall pay from the proceeds of the sale and costs of the advertisement, removal, storage, investigation as to ownership and liens and notices of sale. The balance of the fund shall be held by the Chief of Police for the owner and paid to the owner upon satisfactory proof of ownership.

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§ 18-4. Disposition of proceeds following sale.

If no claim has been made by the owner for the proceeds of the sale within sixty (60) days of the sale, the remaining funds shall be deposited in the general fund of the town. Any such owner shall be entitled to apply to the town within three (3) years from the date of the sale and, if timely application is made therefor, the town shall pay the remaining proceeds of the sale to the owner without interest or other charges. No claims shall be made nor any suit, action or proceedings be instituted for the recovery of such funds after three (3) years from the date of this sale.