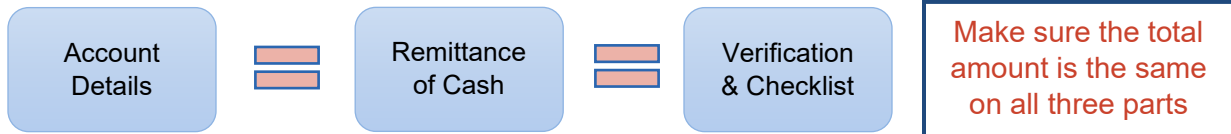


Unclaimed Property Relating to Condemnation Awards – Reference Sheet

Schedule of Events for APL Article X	
July 1	Cut-off date – if funds have become dormant in the year prior to this date, include them in this report cycle
November 1	Publication notice completed
November 10	Proof of publication is received in our office
	First-class mailing completed
December 10	Certified mailing completed
February 10	Final report, including owner details, remittance, and Verification and Checklist is received in our office

How to Report (due 2/10) – Include the following when reporting:

1. Account details of the funds you are transferring in an approved format.
2. Remittance of cash.
3. Verification and Checklist (Electronic VCL or Form AC2709)



Visit our website at: osc.ny.gov/unclaimed-funds/reporters for more details including forms and contact information.

Applicable Property Types

NAUPA II Property Type	Property Type Description	Dormancy Period
CT02	Condemnation Awards	3 years
ZZZZ	Late filing interest	

Unclaimed Property Relating to Condemnation Awards

This document is supplemental to the [Handbook for Reporters of Unclaimed Funds](#) and contains information which corresponds to Article X of New York's Abandoned Property Law (APL). For more information, refer to [Article X](#) of the statute.

This document includes the following sections:

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Unclaimed Property

Property subject to the reporting requirements of Article X of the APL includes any moneys held or owed by a public corporation or other corporation possessing powers of condemnation for the payment of an award by a court in any condemnation proceeding and, that have remained unclaimed for three years after confirmation by the court, along with any interest due.

Abandoned condemnation awards due and payable by a public corporation are net of any amounts due such public corporation at the time of title vesting, such as debts for existing liens, tax delinquencies, water expenses, etc. charged against the condemned parcel, with interest, which may be deducted from the award value. Additionally, any amount due a public corporation at the time of title vesting or confirmation, whichever is later, for an assessment on the condemned parcel, with any interest due, may also be deducted from the award value.

Statutory Considerations in Addition to Article X

Due Diligence

APL Section 1422

The APL requires that, at least 90 days prior to submitting its final report, the holder send a notice by first-class mail to each owner whose name is expected to appear on that report unless the address for the owner is unknown or the holder can demonstrate the address it maintains for the owner is not the owner's current address.

In addition, at least 60 days prior to submitting its final report, the holder must send a notice by certified mail (return receipt requested) to each owner whose name is expected to appear on that report with abandoned property valued in excess of \$1,000 unless contact with the owner has been established, the first-class mailing was returned as undeliverable, or the mailing address is outside the United States.

Electronic Contact

[2 NYCRR § 125.1](#)

Certain types of electronic contact can be used to satisfy the written communication requirements in the APL to prevent the property from being deemed abandoned. This includes email communication from the entitled owner of the property that matches the registered email address on record with the holder or a verifiable login by the owner using a website or mobile application made available by the holder.

Important Issues

Description of Funds

It is important to include the title of the action or proceeding related to the funds you are reporting. Enter this information in the Description field.

Parcel Number

Enter the parcel number in the Account Number field, to report condemnation awards. This is a required field.

Publication

The law requires you to:

- Publish a notice of all awards in condemnation proceedings that have gone unclaimed for a period of three years. Do not include names, addresses, or amounts. The notice shall state that:
 - A report of unclaimed condemnation awards will be made to the State Comptroller and that a copy thereof is on file and open to public inspection at *{reporter's name}*.
 - Such held awards will be paid to proven entitled parties by *{reporter's name}* through January 31.
 - On or before February 10, any remaining unclaimed condemnation awards will be forwarded to the State Comptroller.

Publish:

- On or before November 1.
- In a newspaper of general circulation in each county in which a damaged parcel included in such report is located.
- In a newspaper printed in English and any other newspaper that will substantially serve to inform the public of such abandoned property.

File proof by affidavit of publication with the State Comptroller on or before November 10. Our preferred method is by email to NYSRPU@osc.ny.gov.

You may not deduct publication costs from the account's value. This office advises not including additional details in the notice and using a readable font size for printing.

Publication Sample

NOTICE OF CERTAIN UNCLAIMED PROPERTY HELD BY [reporter's name].

NOTICE IS HEREBY GIVEN

Pursuant to Section 1002 of the Abandoned Property Law of the State of New York that:

- (A) A report of amounts of all awards in condemnation proceedings unclaimed for more than three years has been made to the State Comptroller.
A copy of such report is on file and open to public inspection at **the principal office or place of business of a corporation or office of the chief fiscal officer of a public corporation of reporter's name.**
- (B) Such awards, together with any interest due thereon and less lawful deductions, will be paid by **reporter's name** on or before the succeeding thirty-first day of January to persons establishing to its satisfaction their right to receive the same.
- (C) In the succeeding month of February, on or before the tenth day thereof, such awards together with any interest due thereon and less lawful deductions, still remaining will be paid to the State Comptroller and **reporter's name** shall thereupon cease to be liable therefor.

Mailing Requirements

First-Class and Certified Mailings

Section 1422 of the APL requires that all organizations do the following:

- At least 90 days prior to their final report/remittance date, send a notice by first-class mail to each owner whose name is expected to appear in that report, unless:
 - The owner's address is unknown,
 - The holder can demonstrate that the address it maintains for the owner is not the owner's current address, or
 - Note – if you use an address validation service and find a new address for the owner, you may send the mailing to the new address, but you should not change the original address on your report or books and records.
 - The items you are reporting are valued at \$20 or less and you are reporting them in the aggregate, in which case the owner's name will not appear in the report, therefore you are not required to mail a notice.

And

- At least 60 days prior to their final report/remittance date, send a notice by certified mail, return receipt requested, to each owner whose name is expected to appear in that report with abandoned property valued in excess of \$1,000, unless:
 - Owner has established contact,
 - The first-class mailing returned as undeliverable; or
 - The last known address is outside the United States

Costs

You may deduct the mailing costs for certified mail. Deduct such charges from each item for which you are mailing the notice, or one item if you are rolling similar items for a specific owner into one item. You may not make a bulk deduction against the final remittance. The costs for completing the first-class mailing requirements cannot be offset.

Multiple Items

Where feasible, if you are reporting more than one item for the same owner, one letter should address all the items you are reporting.

Multiple Owners

For cases in which multiple owners of an item have different addresses, you must send a notice to each owner. You may deduct the additional costs of mailing a certified notice to more than one address.

Remittance

Submit your remittance at the time you file a report. The remittance should be equal to the sum of the values of accounts being reported to the Office of the State Comptroller. Pay your remittance by ACH debit, electronic transfer or check.

ACH Debit

If a [file upload or manual online report](#) was completed, pay electronically with [ACH Debit](#) after uploading your file or by using this link.

Electronic Funds Transfer

Electronic funds transfer alternatives are available to make payment of the amount due for your report of abandoned property. Find instructions including the account and routing number information in the [Electronic Funds Transfer Instructions](#).

Checks

Make checks payable to Comptroller, State of New York. You should mail it to the following address:

New York State Office of the State Comptroller
Office of Unclaimed Funds
Remittance Control, 2nd floor
110 State Street
Albany, NY 12236

Include the letters 'OUF' and the holder organization's FEIN in the memo and advice areas of your check if you sent your report account details using one of our electronic reporting methods. This will help us apply your funds correctly.

In accordance with OUF's internal control procedures, send all payments to the above address. Do not send any checks to our New York City office.

Schedule of Events

July 1

For the purposes of reporting condemnation awards as abandoned property, the year runs from July 2 through the following July 1. July 1 is the cut-off or ending date for the reporting period. Use it when identifying abandoned accounts/items. Do not submit your report of abandoned property until after the cut-off date has passed.

July 2 through October 9

During this period, review your records and collect data related to any account/item that may be dormant and subject to reporting.

If you find items subject to reporting:

- Compile the data in one of our reporting formats so that you may submit it as your final report.

If you do not have any items subject to reporting:

- Keep a record of your review.
- Do not send preliminary or negative (zero balance) reports.

November 1

On or by this date:

- Publish a notice of all awards in condemnation proceedings that have gone unclaimed for a period of three years. Do not include names, addresses, or amounts.
- You may not deduct publication costs from the account's value.

November 10

By this date:

- Send a notice by first-class mail to each person or entity whose name appears on your report of abandoned property and request a signed written statement from the owner that acknowledges the property's existence. This requirement does not apply to those accounts that meet the exclusionary provisions of §1422
- Advise and educate internal staff about the due diligence notices for effective processing when the rightful owner contacts your organization.
- Reactivate all accounts of owners who respond to the notice or otherwise establish contact. Do not include these accounts on your report.
- File proof of publication by email to NYSRPU@osc.ny.gov, including an invoice, a copy of the advertisement and an affidavit.

December 10

By this date:

- If an owner has not responded to the first-class mailing, or if the first-class mailing was not returned as undeliverable, and the value of all unclaimed funds held for the owner exceeds \$1,000, you are required to send a second notification via certified mail, return receipt requested, if the address for the owner is within the United States.
 - You may charge the cost of the certified mailing against the property's value.
- Reactivate all accounts of owners who respond to the mailing. Do not include these accounts on your report.
 - Note: we consider a return receipt to be customer contact if the receipt bears the signature of the account owner. Verify return receipt signatures against the other signature records you may have for the owner.

December 11 through January 31

During this period:

- Update your report as necessary to reflect any activity that has occurred.
- Complete report removals based on any contact with owners.

On or before February 10

By this date:

- Finalize the report.
- Arrange for payment.
- Submit the report, payment, and a Verification and Checklist to be received in our Office by the close of business on February 10.