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## **Unclaimed Property Relating to Title Insurance Companies**

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The following information corresponds to Section 1317 of New York's Abandoned Property Law. For more information, refer to Section 1317 of the statute.

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### **Unclaimed Property**

Unclaimed property subject to Section 1317 of the Abandoned Property Law includes any amounts held or owing by a domestic or foreign title insurer or its agent or representative as a security deposit made as an inducement to issue a title insurance policy relative to the transfer or financing of real property in New York State.

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## **Important Dates - Unclaimed Property Relating to Title Insurance Companies**

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### **December 10**

First class mailing completed

### **December 31**

Cut-off Date

### **January 10**

Certified mailing completed

### **March 10**

Final Report and Remittance Due

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## **Applicable Property Types - Unclaimed Property Relating to Title Insurance Companies**

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All dormancy periods are as noted.

- 1F** Escrow funds, including mortgages, performance guarantee, surety bonds, etc.  
(three-year dormancy)
- 8X** Late filing interest

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## **Statutory Considerations in Addition to Section 1317 - Unclaimed Property Relating to Title Insurance Companies**

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### **Article V and Section 1315 of New York's Abandoned Property Law**

In addition to Section 1317, title insurance companies are subject to the statutory requirements of Article V and Section 1315 of New York's Abandoned Property Law. For more information, refer to Article V and Section 1315 of the statute and to OUF's General Corporations document.

### **Section 1422 of New York's Abandoned Property Law**

Note that subdivision 7 of section 1317 has been repealed in favor of the enactment of section 1422. Section 1422 of the APL requires that, at least 90 days prior to your final report, a first class mailing be made to each person whose name is expected to appear on the report unless the address is unknown or the holder can demonstrate that the address it has for the owner is not the owner's current address. In addition, at least sixty days prior to your final report, a certified mailing, return receipt requested, must be made to each person whose name is expected to appear on the report whose abandoned property is valued in excess of \$1000.00 unless a claim has been initiated since the first class mailing was sent, or the first class mailing was returned as undeliverable.

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## **Schedule of Events for Section 1317 - Unclaimed Property Relating to Title Insurance Companies**

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### **December 10**

By this date:

Send a first class mailing to each person or entity whose name is expected to appear on your report of abandoned property and request a signed written statement that acknowledges the property's existence. This requirement does not apply to those accounts that meet the exclusionary provisions of Section 1422.

Reactivate all owners who respond to the mailing. Their property will no longer be dormant, and you should remove them from reporting consideration.

### **December 31**

For the purposes of reporting abandoned property, a title insurance company's year runs from January 1 through December 31. December 31 is the cut-off or ending date for the reporting period. Use it when identifying abandoned accounts/items.

### **January 1 through March 1**

During this period:

- Review your records and collect data relative to any account/item that may be dormant and subject to reporting.

If you have an account/item subject to reporting:

- Compile the data in one of our reporting formats, so that you may submit it as your final report.
- Use removal codes to annotate the report as needed should adjustments be necessary due to customer contact, erroneous entry, etc. It is not necessary to create another report to update an account's status.

### **January 10**

By this date:

If an owner hasn't responded to the first class mailing, or if the first class mailing was not returned as undeliverable, and the value of all unclaimed property held for the owner exceeds \$1000, you are required to send a second notification via certified mail, return receipt requested.

You may charge the cost of the certified mailing against the property's value.

Reactivate all owners who respond to the mailing. Their property will no longer be dormant, and you should remove them from reporting consideration. Please note that we consider a return receipt to be customer contact if the receipt bears the signature of the account owner. Therefore you should verify return receipt signatures against the other signature records you may have for an account owner.

### **March 1 through March 10**

During this period:

- Finalize the report.
- Arrange for payment.
- Submit the report, payments, and a Verification and Checklist. We need to receive them by the close of business on March 10.

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## **Important Issues - Unclaimed Property Relating to Title Insurance Companies**

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### **Account Maintenance**

The title insurer or its agent or representative shall retain a record of the names and addresses of the depositors and lien holders along with any records necessary to show proof of entitlement. Payment to the State Comptroller through the provision of Section 1317 in no way adversely impacts the rights of the depositor nor does it change the obligation of the insurer, agent, or representative under the terms of the security deposit agreement. Insurers, agents, or representatives who have been required to deliver property pursuant to Section 1317 shall make payment to the rightful owner as directed by the security deposit agreement and then seek reimbursement from New York State.

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## **Due Diligence - Unclaimed Property Relating to Title Insurance Companies**

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Holders of abandoned property are required to conduct due diligence in the form of mailings. The associated costs for completing certified mailing due diligence may be charged individually to the abandoned accounts involved in the due diligence effort, while the costs for completing the first class mailing requirement cannot be offset. You may not take a bulk deduction against the report's total value. A positive customer response to any due diligence attempt negates the need for further due diligence actions on an account.

You should exercise due caution in attempting to contact entitled owners who reside in politically sensitive countries. Also, please note that certified mailing requirements do not apply to residents of foreign countries. Address any questions pertaining to this subject to our Director of Audits.

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## **Mailing Requirements**

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### **First Class and Certified Mailings**

The law requires that all organizations do the following:

- At least 90 days prior to their final report/remittance date, send a first class mailing to each owner whose name is expected to appear on that report unless;
  - The owner address is unknown, or
  - The holder can demonstrate that the address it maintains for the property owner is not the property owner's current address

And

- At least 60 days prior to their final report/remittance date, send a certified mailing, return receipt requested, to each owner whose name is expected to appear on that report with abandoned property valued in excess of \$1000.00 unless;
  - A claim has been initiated since the first class mailing was sent, or
  - The first class mailing was returned as undeliverable.

### **Multiple Owners**

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

### **Multiple Items**

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

### **Costs**

You may deduct the mailing costs for certified mail. Deduct such charges from each item for which you are mailing the notice. You may not make a bulk deduction against the final remittance.

### **Mailing Requirements – Dividend Reinvestment Accounts**

Article V requires you to send notification to the apparent owners of securities that are enrolled in reinvestment plans. This notification, which is to be sent via certified mail return receipt requested, should advise owners that in the absence of establishing written communication with the holder their securities will be delivered to the State Comptroller as abandoned property. A return receipt signed by the owner of the property is to be considered contact.

Additionally, Article V stipulates that owners of unclaimed wages be notified at the last known address of record via first class mail.

In either of the above cases the notifications must be sent in the calendar year prior to the year in which you are required to deliver the property to the State Comptroller. You may not deduct the cost of sending notifications from the value of the abandoned property.

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## Remittance

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Refer to the industry-specific document that applies to your business for information regarding appropriate remittances. Note – electronic funds transfer is available to remit payment. Contact the Reports Processing Unit at [nysrpu@osc.ny.gov](mailto:nysrpu@osc.ny.gov) for account and routing number information.

With each final report of abandoned property, you should include the applicable remittance payable to the Comptroller of the 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, New York 12236

In accordance with OUF's internal control procedures, you should send all payments to the above address. At no time should you send any remittances to our New York City office.

### **Electronic Funds Transfer**

E-cash is now a viable method to make payment of the amount due for your report of abandoned property. Please contact our Communication Center or our Reports Processing Unit for further instruction and for account and routing number information.