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# Abandoned, Lost or Unclaimed Property in Connecticut

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A Guide to Resources in the Law Library

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- **“Lost property** has traditionally been defined as involving an involuntary parting, i.e. where there is no intent on the part of the loser to part with the ownership of the property . . . . **Abandonment**, in turn, has been defined as the voluntary relinquishment of ownership of property without reference to any particular person or purpose . . . i.e. a ‘throwing away’ of the property concerned . . . . while **mislaidd property** is defined as that which is intentionally placed by the owner where he can obtain custody of it , but afterwards forgotten.” [Favorite v. Miller](#), 176 Conn. 310, 313, 407 A.2d 974 (1978). (Emphasis added.)
- **Treasure Trove:** “consists of coins or currency concealed by the owner . . . . It includes an element of antiquity . . . . To be classified as treasure trove, the property must have been hidden or concealed for such a length of time that the owner is probably dead or undiscoverable.” [Benjamin v. Lindner Aviation, Inc.](#), 534 N.W.2d 400, 406 (Iowa 1995).
- **Property embedded in the earth:** “Another line of cases holds that property, other than treasure trove, which is embedded in the earth is the property of the owner of the locus in quo . . . . The presumption in such cases is that possession of the article found in such cases is in the owner of the land and that the finder acquires no rights to the article found.” [Favorite v. Miller](#), 176 Conn. 310, 316, 407 A.2d 974 (1978).

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# Section 1: Abandoned and Unclaimed Property

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*A Guide to Resources in the Law Library*

**SCOPE:** Bibliographic resources relating to the procedures in Connecticut for claiming or disposing of the abandoned or unclaimed personal property including escheat of property to the State of Connecticut. Also, the rights and duties of finders of abandoned or unclaimed property

- DEFINITIONS:**
- **Duties of finder:** "Any person who finds and takes possession of any article of the value of one dollar or more shall report the finding of such article to the police department of the municipality in which he finds such article within forty-eight hours from the time of such finding. The finder of such article shall, at the time of reporting, furnish to the police department the date, time and place of finding, his name and address and a description of the article found, and, within a period of one week from such finding, shall deliver such article to the police department." CONN. GEN. STAT. [§ 50-10](#) (2011).
  - **Escheat:** "Upon payment or delivery of property presumed abandoned to the Treasurer, the state shall assume custody and, except as otherwise provided in subsection (h) of section 3-65a, shall be responsible for all claims thereto." CONN. GEN. STAT. [§ 3-67a\(a\)](#) (2011).
  - **Larceny:** "A person commits larceny when, with intent to deprive another of property or to appropriate the same to himself or a third person, he wrongfully takes, obtains or withholds such property from an owner. Larceny includes, but is not limited to. . .
    - (4) Acquiring property lost, mislaid or delivered by mistake. A person who comes into control of property of another that he knows to have been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient is guilty of larceny if, with purpose to deprive the owner thereof, he fails to take reasonable measures to restore the property to a person entitled to it." CONN. GEN. STAT. [§ 53a-119](#) (2011).

- STATUTES:**
- CONN. GEN. STAT. (2011).
    - Chapter 32. **Treasurer**
      - [§ 3-65a](#). Duties of holder of abandoned property.
      - [§ 3-65b](#). Assessments of interest penalty for failure to report or deliver abandoned property as required
      - [§ 3-70a](#). Claims for abandoned property.

[§ 3-73b](#). Effect of expiration of limitation periods.

- Chapter 830. **Rights and responsibilities of landlord and tenants**

[§ 47a-11b](#). Abandonment of unit by occupants.  
Landlord's remedies

- Chapter 859. **Lost and unclaimed property.**

[§ 50-1](#). Disposition of perishable property

[§ 50-2](#). Disposition of goods not perishable

[§ 50-3](#). Expressmen and common carriers; good not perishable

[§ 50-4](#). Disposition of perishable goods

[§ 50-5](#). Avails to be accounted for. Escheat

[§ 50-8](#). Marine vegetable deposits

[§ 50-9](#). Lost goods; towns may adopt procedures for

[§ 50-10](#). Duties of finder.

[§ 50-11](#). Advertising; sale of perishable goods

[§ 50-12](#). Restoration to owner if claimed

[§ 50-13](#). Procedure if unclaimed

[§ 50-14](#). Disposition after expiration of time for making claim

**FORMS:**

- 1 [AM. JUR. LEGAL FORMS](#) *Abandoned, Lost, and Unclaimed Property* (2007).
  - Abandoned and unclaimed property, §§ 1:23-1:45
  - Property in custody of carrier, innkeeper, etc., §§ 1:24-1:31
- 1 [AM. JUR. PLEADING & PRACTICE](#) *Abandoned, Lost and Unclaimed Property* (2003).
  - §§ 1-16. Abandoned property
  - §§ 17-43. Lost and unclaimed property
  - Rights and duties of finder, §§ 19-35
  - Rights of owner, §§ 36-37
  - Actions by and against finder, §§ 38-43
- *Cause Of Action Against Owner To Establish Abandonment Of Personal Property*, 21 [CAUSES OF ACTION](#) 655 (1990).
  - § 16. Sample complaint
  - § 16.10. [NEW] Sample complaint for determination of adverse claims to allegedly abandoned property by holder against former owner

**CHECKLISTS:**

- *Cause Of Action Against Owner To Establish Abandonment Of Personal Property*, 21 [CAUSES OF ACTION](#) 655 (1990).
  - § 17. Checklist—Complaint [NEW]

**ATTORNEY  
GENERAL  
OPINIONS:**

- *Motor Vehicles- Property, Personal, Unclaimed - Title To Property*, OPINIONS OF THE ATTORNEY GENERAL No. 86-006.

"A person may obtain an ownership interest in an abandoned motor vehicle and may be issued a certificate

of title and registration for such vehicle upon proof of ownership."

**CASES:**

- [R.F. Daddario & Sons, Inc. v Shelansky](#), 123 Conn App 725, 3 A. 3d 957 (2010). "To constitute [abandonment] there must be an intention to abandon or relinquish accompanied by some act or omission to act by which such an intention is manifested." (Citations omitted.) *Brierley v. Johnson*, 131 Conn. 675, 678, 42 A.2d 34 (1945). "While mere nonuser and lapse of time alone are not enough to constitute abandonment, they are competent evidence of an intent to abandon, and as such may be entitled to great weight when considered with other circumstances, and abandonment may be inferred from circumstances, such as failure by acts or otherwise to assert any claim to the right alleged to have been abandoned, or may be presumed from long continued neglect. . . . Most frequently, where abandonment has been held established, there has been found present some affirmative act indicative of an intent to abandon, as in *Peck v. Lee*, [110 Conn. 374, 377, 148 A. 133 (1930)],
- [Rose v. James](#), Superior Court, Judicial District of Hartford, Docket No. CVH 6562 (Oct. 26, 2000), 2000 WL 1630023. "Abandonment by the tenant, under either statutory or common law, is a complete defense against an action in unlawful entry and detainer. The issue before the court in this case, therefore, is whether the plaintiff must be deemed to have abandoned the premises and his possessions prior to the bringing of this action."
- [Carothers v. Capozziello](#), 215 Conn. 82, 130, 574 A.2d 1268 (1990). "In this respect, the question of whether waste has been 'discarded' is similar to the factors that will be considered when it has been claimed that property has been abandoned. Although, before legal abandonment can be found, there must be proof of an intent to abandon; *Glutzer v. Keyes*, 125 Conn. 227, 233, 5 A.2d 1 (1939); that requirement can be met without resort to proof of specific intent. 'Most frequently, where abandonment has been held established, there has been found present some affirmative act indicative of an intention to abandon but nonuser, as of an easement, or other negative or passive conduct may be sufficient to signify the requisite intention and justify a conclusion of abandonment. The weight and effect of such conduct depends not only upon its duration but also upon its character and the accompanying circumstances.' *Id.*; *Sharkiewicz v. Lepone*, 139 Conn. 706, 707-708, 96 A.2d 796 (1953); *Sanchez v. Forty's Texaco Service, Inc.*, 5 Conn. App. 438, 440, 499 A.2d 436 (1985), cert. denied, 198 Conn. 803, 502 A.2d 932 (1986)."
- [Sanchez v. Forty's Texaco Service, Inc.](#), 5 Conn. App. 438, 440, 499 A.2d 436 cert. den. 198 Conn. 803 (1985). "The

critical issue raised on appeal by the plaintiff is whether the court erred in finding abandonment. Abandonment of personal property such as a car requires 'an intention to abandon or relinquish accompanied by some act or omission to act by which such an intention is manifested' and is a question of fact; *Sharkiewicz v. Lepone*, 139 Conn. 706, 707, 96 A.2d 796 (1953); which must stand unless clearly erroneous."

**WEST KEY NUMBER:**

- *Abandoned and Lost Property*

**DIGESTS:**

- ALR DIGEST  
*Abandonment*  
*Escheat*
- US L.ED. DIGEST: *Abandoned And Captured Property*

**INDEX TERMS:**

- ALR INDEX: *Abandonment of property or right*
- CONN. GENERAL STAT. ANNOT. (WEST)
  - Abandoned property*
  - Abandonment*
  - Escheat*
- CONN. GEN. STATS. (Official)
  - Abandonment*
  - Escheats*
  - Landlord and Tenant* (subheading: *Entry and detainer*)

**ENCYCLOPEDIAS:**

- 1 [AM. JUR. 2D](#) *Abandoned, Lost, And Unclaimed Property* (2005).
  - I. In general, §§ 1-18  
Elements of abandonment, §§ 7-11
  - II. Rights and obligations of finders, owners and former owners, §§ 19-42  
Abandoned property, §§ 24-26
  - III. Rights of state property, §§ 43-54  
In general, §§ 43-49  
Particular type of property, §§ 55-61
  - IV. Proof; presumptions, §§ 41-45
    - § 55. Generally; abandonment as question of law or fact
    - § 56. Presumptions and burden of proof
    - § 58. Proof of intention to abandon
    - § 59. Lapse of time; nonuse
- 1 [C.J.S.](#) *Abandonment* (2005).
- 36A [C.J.S.](#) *Finding Lost Goods* (2003).

- *Cause Of Action Against Owner To Establish Abandonment Of Personal Property*, 21 [CAUSES OF ACTION](#) 655 (1990).
  - II. Substantive law overview
    - A. Prima facie case
    - B. Defenses
      - § 7. Generally
      - § 8. Absence of intent to abandon
    - C. Parties
  - III. Practice and procedure
    - A. In general
      - § 10. Procedural matters
      - § 11. Pleadings
    - B. Proof
      - § 12. Proof of abandonment
      - § 13. Rebuttal
    - C. Remedies and recovery
      - § 14. Generally
- *Proof of Landlord's Conversion of Tenant's Property*, 90 [AM JUR PROOF OF FACTS 3D](#) 341(2006).
- *Abandonment of Tangible Personal Property*, 25 [AM JUR PROOF OF FACTS 2D](#) 685 (1981).
- William M. Howard, Annotation, *Time Within Which Tenant's Right To Remove Trade Fixtures Must Be Exercised*, 109 [ALR5th](#) 421 (2003).
- Christopher Vaeth, Annotation, *Landlord's Duty, On Tenant's Failure To Occupy, Or Abandonment Of Premises, To Mitigate Damages By Accepting Or Procuring Another Tenant*, 75 [ALR5th](#) 1 (2000).
- Wanda Ellen Wakefield, Annotation, *Validity, Construction, And Application Of Lost Or Abandoned Goods Statutes*, 23 [ALR4th](#) 1025 (1983).
- Thomas J. Goger, Annotation, *Statutory Limitations Upon Innkeepers Liability As Applicable Where Guest's Property Is Lost Or Damaged Through Innkeeper's Negligence*, 37 [ALR3d](#) 1276 (1971).
- Annotation, *Validity Under Federal Constitution Of State Escheat Statutes—Federal Cases*, 7 [L. ED. 2d](#) 871 (1961).

**LAW REVIEWS:**

- Richard P. Roberts and Brian P. Learning, *Discontinuation And Abandonment: End Of The Road?* 14 [Connecticut Lawyer](#) 12 (October 2003).
- Barbara C. Payne, *Abandoned And Escheated Property: How Long Is Long Enough?* 64 [CONNECTICUT BAR JOURNAL](#) 289 (August 1990).

- Robert F. Phelps, Jr., *Legal Relationships Regarding Safe Deposit Boxes*, 61 [CONNECTICUT BAR JOURNAL](#) 286 (1987).

**OLR REPORTS:**

- Sandra Norman-Eady, [State Laws on Landlords' Treatment of Abandoned Property](#), Connecticut General Assembly, Office of Legislative Research, OLR Research Report no. 2006-R-0164 (February 21, 2006).
- Sandra Norman-Eady, [Summary of Unclaimed Property Law and Recent Amendments](#), Connecticut General Assembly, Office of Legislative Research, OLR Research Report no. 2006-R-0507 (August 28, 2006).
- Daniel Duffy, [Gift Cards](#), Connecticut General Assembly, Office of Legislative Research, OLR Research Report no. 2007-R-0208 (February 13, 2007).

**WEB SITES:**

- Office of State Treasurer: Unclaimed Property Division:  
<http://www.state.ct.us/ott/aboutucp.htm>

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**Table 1: Abandoned Property: Unreported Decisions**

<h1 style="margin: 0;">Abandoned Property</h1> <h2 style="margin: 0;">Unreported Decisions</h2>	
<p><u>Smith v. Muellner</u>, No. CV03-0102009-S (Feb. 9, 2004), 36 CONN. L RPTR 658, 2004 WL 614631.</p>	<p>"Lapse of time and nonuser are competent evidence of an intent to abandon, and as such may be entitled to great weight when considered with other circumstances; <i>Derby v. Ailing</i>, 40 Conn. 410, 436; <i>New York, N.H. &amp; H.R. Co. v. Cella</i>, 88 Conn. 515, 522, 91 A. 972. Mere nonuser alone, however, does not constitute abandonment."</p>
<p><u>Earls v. Condor Capital Corp.</u>, No. CV98-0491748S (Apr. 14, 2000), 2000 Ct. Sup. 5020, 2000 WL 486941.</p>	<p>"'Abandonment of personal property such as a car requires 'an intention to abandon or relinquish accompanied by some act or omission to act by which such an intention is manifested' and is a question of fact. . . .' <i>Sanchez v. Forty's Texaco Service, Inc.</i>, 5 Conn. App. 438, 440, 499 A.2d 436, cert. denied, 198 Conn. 803, 502 A.2d 932 (1985), quoting <i>Sharkiewicz v. Lepone</i>, 139 Conn. 706, 707, 96 A.2d 796 (1953). To waive all rights with regard to the vehicle, the plaintiff must have knowledge of these rights then intentionally abandon and voluntarily relinquish them. <i>See Soares v. Max Services, Inc.</i>, 42 Conn. App. 147, 175, 679 A.2d 37, cert. denied, 239 Conn. 915, 682 A.2d 1005 (1996); see also <i>Rigoglioso v. Stevens Ford, Inc.</i>, Superior Court, Judicial District of Fairfield at Bridgeport, Docket No. 330848 (November 27, 1996, Maioco, J.). 'Whether there has been an abandonment is . . . question of fact and not law.' (Internal quotation marks omitted.) <i>Friedman v. Westport</i>, 50 Conn. App. 209, 212, 717 A.2d 797, cert. denied, 247 Conn. 937, 719 A.2d 1168 (1998)."</p>
<p><u>Cirino v. Neighborhood Housing Assoc.</u>, No. CVNH 9005-3751 (Jun. 6, 1990), 1990 Ct. Sup. 107, 1990 WL 283887.</p>	<p>"Abandonment is a question of fact. <i>Blum v. Lisbon Leasing Corp.</i>, 173 Conn. 175, 182 (1977). In order to determine whether property has been abandoned, the court must determine the intent of the owner. <i>Favorite v. Miller</i>, 176 Conn. 310 (1978).          Along with intent, there must be some act or omission by which abandonment is manifested and non-use and lapse of time, though not enough standing alone, may be competent evidence of intent. <i>Glotzer v. Keyes</i>, 125 Conn. 227, 233 (1939).</p>
<p><u>State v. Roseboro</u>, No. CR5-81771, Conn. Superior</p>	<p>"Abandoned property is not subject to the protection of the Fourth Amendment. <i>Abel v. United States</i>, 362 U.S. 217, 241 (1960). Abandonment is a question of fact and it implies a</p>

Court, J.D. of  
Ansonia-Milford,  
(October 4, 1990),  
1990 WL 277237.

voluntary and intentional renunciation, but the intent may be inferred as a fact from the surrounding circumstances . . . . Abandonment for purposes of the Fourth Amendment exists only if the defendant has voluntarily discarded the property, left it behind or otherwise given up his interest in it under circumstances indicating that he has given up any further reasonable expectation of privacy with regard to it at the time of the search. United States v. Colbert, 474 F.2d 174, 176 (5th Cir.1973); City of St. Paul v. Vaughn, 306 Minn. 377, 237 N.W.2d 365, 370, 371 (1975); State v. Philbrick, 436 A.2d 844, 854 (Me.1981); 1 W. LAFAVE, SEARCH AND SEIZURE, section 2.6(b), p. 465. In State v. Zindros, supra, it was held that the lessee of property that had been gutted by fire did not abandon his property, and had standing to challenge a search made eleven days after the fire."

**Table 2: Statutory Definitions of Abandoned Property**

<b>Statutory Definitions: Abandoned Property</b>	
<p><a href="#">§ 8-169p.</a> Urban homesteading</p>	<p>(a) "Abandoned property" means any real property on which there is a vacant structure and on which (1) real property taxes have been delinquent for one year or more and orders have been issued by the municipality's fire official, building official or health official and there has been no compliance with those orders within the prescribed time given by such official or within ninety days, whichever is longer, (2) the owner has declared in writing to the building official that his property is abandoned or (3) there has been a determination by the municipality in accordance with an ordinance adopted under subparagraph (H)(xv) of subdivision (7) of subsection (c) of section 7-148, that the vacant structure contributes to housing blight;</p>
<p><a href="#">§ 8-291.</a> Acquisition of abandoned property by industrial and commercial buildings</p>	<p>(a) "Abandoned property" means any real property and any vacant structure thereon used or previously used for industrial or commercial purposes, which the owner has declared, in writing, to the building official to be abandoned, or real property on which there is a vacant structure used or previously used for industrial or commercial purposes which the owner has been given a written order by the building official to demolish and no application for a permit for rehabilitation or demolition has been applied for within thirty days after the date of such order or, if such permit has been granted, no rehabilitation or demolition work has been commenced within thirty days after the granting of such permit;</p>
<p><a href="#">§ 47a-11b</a> Abandonment of unit by occupants. Landlord's remedies.</p>	<p>(a) For the purposes of this section, "abandonment" means the occupants have vacated the premises without notice to the landlord and do not intend to return, which intention may be evidenced by the removal by the occupants or their agent of substantially all of their possessions and personal effects from the premises and either (1) nonpayment of rent for more than two months or (2) an express statement by the occupants that they do not intend to occupy the premises after a specified date.</p>

**Table 3: Landlord Remedies upon Abandonment of Premises**

<b>CONN. GEN. STAT. <a href="#">§ 47a-11b</a> (2011)</b>	
<b>(b)</b>	<p>If all the occupants abandon the dwelling unit, the landlord may send notice to each occupant at his last-known address both by regular mail, postage prepaid, and by certified mail, return receipt requested, stating that</p> <ol style="list-style-type: none"> <li>(1) he has reason to believe that the occupant has abandoned the dwelling unit,</li> <li>(2) he intends to reenter and take possession of the dwelling unit unless the occupant contacts him within ten days of receipt of the notice,</li> <li>(3) if the occupant does not contact him, he intends to remove any possessions and personal effects remaining in the premises and to re-rent the premises, and</li> <li>(4) if the occupant does not reclaim such possessions and personal effects within thirty days after the notice, they will be disposed of as permitted by this section.</li> </ol> <p>The notice shall be in clear and simple language and shall include a telephone number and a mailing address at which the landlord can be contacted.</p> <p>If the notices are returned as undeliverable, or the occupant fails to contact the landlord within ten days of the receipt of the notice, the landlord may reenter and take possession of the dwelling unit, at which time any rental agreement or lease still in effect shall be deemed to be terminated.</p>
<b>(c)</b>	<p>The landlord shall not be required to serve a notice to quit as provided in section 47a-23 and bring a summary process action as provided in section 47a-23a to obtain possession or occupancy of a dwelling unit which has been abandoned.</p> <p>Nothing in this section shall relieve a landlord from complying with the provisions of sections 47a-1 to 47a-20a, inclusive, and sections 47a-23 to 47a-42, inclusive, if the landlord knows, or reasonably should know, that the occupant has not abandoned the dwelling unit.</p>
<b>(d)</b>	<p>The landlord shall inventory any possessions and personal effects of the occupant in the premises and shall remove and keep them for not less than thirty days.</p> <p>The occupant may reclaim such possessions and personal effects from the landlord within said thirty-day period.</p> <p>If the occupant does not reclaim such possessions and personal effects by the end of said thirty-day period, the landlord may dispose of them as he deems appropriate.</p>

<b>(e)</b>	No action shall be brought under section 47a-43 against a landlord who takes action in compliance with the provisions of this section.
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**Table 4: Tenant Lockout - Abandonment as Landlord's Defense**

<h1 style="margin: 0;">Tenant Lockout:</h1> <h2 style="margin: 0;">Abandonment as Landlord's Defense</h2>	
CONN. GEN. STAT. (2011)	
<p><a href="#">§ 47a-43</a> Complaint and procedure: forcible entry and detainer; entry and detainer</p>	<p>(a) When any person (1) makes forcible entry into any land, tenement or dwelling unit and with a strong hand detains the same or (2) having made a peaceable entry, without the consent of the actual possessor, holds and detains the same with force and strong hand or (3) enters into any land, tenement or dwelling unit and causes damage to the premises or damage to or <b>removal of or detention of the personal property of the possessor</b>, or (4) when the party put out of possession would be required to cause damage to the premises or commit a breach of the peace in order to regain possession, the party thus ejected, held out of possession, or suffering damage may exhibit his complaint to any judge of the Superior Court. (Emphasis added.)</p>
<p><a href="#">§47a-11b.</a> Abandonment of unit by occupants. Landlord's remedies.</p>	<p>(e) No action shall be brought under section 47a-43 against a landlord who takes action in compliance with the provisions of this section.</p>
Cases	
<p><a href="#">Forbotnick v. Kalinowski</a>, No. CVH 5967, 2000 Ct. Sup 468 (Jan. 11, 2000).</p>	<p>"General Statutes 47a-11b also sets forth the procedures a landlord must follow to regain possession of premises in the event the tenant has in fact abandoned and given up possession. Where the premises are abandoned, as defined in the statute, and where the landlord follows the statutory procedures, he may take back possession without recourse to the summary process statutes and without risking exposure to a claim of entry and detainer. No action shall be brought under section 47a-43 against a landlord who takes action in compliance with the provisions of this section. General Statutes 47a-11b(e)."</p>
<p><a href="#">Gnandt v. DaCruz</a>, No. CVBR-9403-02236 (Apr. 27,</p>	<p>"The lesson to be learned from this case is that where the landlord acts to dispossess a tenant without the benefit of summary proceedings and without actuality knowing that the</p>

1994) 1994 Ct.  
Sup. 4702.

tenant has abandoned the premises, he acts imprudently. If he acts precipitously, as the defendant did in this case, he acts at his peril unless an abandonment has in fact taken place before dispossession. In this case the defendant gambled and won. However, 47a-11b rewards prudence and importunes against such risks as the defendant took."

**Texts and Treatises**

RICHARD E. BURKE, ED., [CONNECTICUT REAL PROPERTY LAW](#) (1984)  
§ 47c. Entry and detainer

# Section 2: Lost or Mislaid Property

*A Guide to Resources in the Law Library*

**SCOPE:** Bibliographic resources relating to the rights, duties and liabilities of the finder of lost or abandoned personal property in Connecticut including actions against owner.

**SEE ALSO:** • [Treasure Trove in Connecticut](#) (Section 3)

**DEFINITIONS:** • **Duties of finder:** "Any person who finds and takes possession of any article of the value of one dollar or more shall report the finding of such article to the police department of the municipality in which he finds such article within forty-eight hours from the time of such finding. The finder of such article shall, at the time of reporting, furnish to the police department the date, time and place of finding, his name and address and a description of the article found, and, within a period of one week from such finding, shall deliver such article to the police department." CONN. GEN. STAT. [§ 50-10](#) (2011).

- **Larceny:** "A person commits larceny when, with intent to deprive another of property or to appropriate the same to himself or a third person, he wrongfully takes, obtains or withholds such property from an owner. Larceny includes, but is not limited to . . .  
(4) Acquiring property lost, mislaid or delivered by mistake. A person who comes into control of property of another that he knows to have been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient is guilty of larceny if, with purpose to deprive the owner thereof, he fails to take reasonable measures to restore the property to a person entitled to it." CONN. GEN. STAT. [§ 53a-119](#) (2011).

**STATUTES:** • CONN. GEN. STAT. (2011).  
Chapter 859. **Lost and unclaimed property.**  
[§ 50-1.](#) Disposition of perishable property  
[§ 50-2.](#) Disposition of goods not perishable  
[§ 50-3.](#) Expressmen and common carriers; good not perishable  
[§ 50-4.](#) Disposition of perishable goods  
[§ 50-5.](#) Avails to be accounted for. Escheat  
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[§ 50-10.](#) **Duties of finder.**  
[§ 50-11.](#) Advertising; sale of perishable goods  
[§ 50-12.](#) Restoration to owner if claimed  
[§ 50-13.](#) Procedure if unclaimed

[§ 50-14](#). Disposition after expiration of time for making claim

**FORMS:**

- 1 [AM. JUR. LEGAL FORMS](#) *Abandoned, Lost, and Unclaimed Property* (2007).
  - § 1.6. Notice of finding of lost property—To public
  - § 1.7. Notice of finding of lost property—To known owner
  - § 1.11. Affidavit—By finder or saver of lost property
  - § 1.13. Report by finder of lost property—To police or sheriff's department
  
- 1 [AM. JUR. PLEADING & PRACTICE](#) *Abandoned, Lost and Unclaimed Property* (2003 revision).
  - § 19. Affidavit—By finder of lost property
  - § 21. Notice—Finding of lost property—To general public
  - § 22. Notice—Finding of lost property—To general public—Short form
  - § 23. Notice—Finding of lost property—To public officer
  - § 24. Notice—Finding of lost property—To public officer—Short form
  - § 25. Notice—Finding of lost property—To owner
  - § 26. Notice—Finding of lost property—To owner—Short form
  - § 27. Notice—Finding of lost property—To owner—Short form—Return conditioned on payment of reasonable charges
  - § 33. Petition or application—By finder—To deliver unclaimed or abandoned property to public officer and relieve finder of responsibility to owner
  - § 34. Petition or application—By finder—To establish title to lost property
  - § 35. Order—Vesting title to lost property in finder
  - § 38. Complaint, petition, or declaration—Against finder—For failure to give notice of finding
  - § 39. Complaint, petition, or declaration—Against owner of business establishment—For recovery of money found by plaintiff on owner's premises
  - § 40. Answer—Defense—Compliance with statutory notice requirement—Finder's failure to claim property within statutory period

**JURY INSTRUCTIONS:**

- 1 [AM. JUR. PLEADING & PRACTICE](#) *Abandoned, Lost and Unclaimed Property* (2003 revision).
  - § 41. Instruction to jury—Definition of "lost property"
  - § 42. Instruction to jury—Finder's burden of proof
  - § 43. Instruction to jury—Finder's mistake in law as affecting charge of conversion of found property

**CASES:**

- [Gattoni v. Zaccaro](#), Superior Court, Judicial District of New London at New London, Docket No. 542558, 1998 Ct. Sup. 2695 (March 2, 1998). "There are many instances where Connecticut courts have recognized the return of property wrongfully obtained as an appropriate type of mandatory

injunctive relief. See, e.g., *Favorite v. Miller*, 176 Conn. 310, 407 A.2d 974 (1978); *Coria v. Libert*, CV No. 97-400353 (Hodgson, J., July 9, 1997); *Toffolon v. Frankel*, CV No. 91-712357 (Sheldon, J., July 1, 1997). See also *Cole v. Jerman*, 77 Conn. 374, 380-81, 59 A. 425 (1904) (upholding order compelling defendant to surrender to plaintiff possession of land and other injunctive relief); *Buchanan Marine, Inc. v. McCormack Sand Co.*, 743 F. Supp. 139, 141-42 (E.D.N.Y. 1990) (holding, under Connecticut law, that where property clearly belongs to one party, another party's meddling with it may constitute a conversion for which complaining party may seek relief in the form of an injunction."

- [Grant v. West Haven Gardens Co.](#), 181 Conn. 379, 384, 435 A.2d 970 (1980). "The trial court concluded that the defendants must return the money found to the estate of Pasquale Stellato as the true owner, because the estate had constructive possession of the mislaid money."

**WEST KEY NUMBER:**

- *Abandoned and Lost Property*
  - #10. In general; loss of property
  - #11. Rights and liabilities of finder as owner
  - #12. Title and rights of finder as to third person
  - #13. Title and rights of finders inter se

**INDEX HEADINGS:**

- ALR
  - Lost property
  - Personal property
  - Title and ownership

**DIGESTS:**

- ALR DIGEST
  - Lost Property*
- US L.ED. DIGEST: *Abandoned And Captured Property*

**ENCYCLOPEDIAS:**

- 1 [AM. JUR. 2D](#) *Abandoned, Lost, and Unclaimed Property* (2005)
  - Lost Property
    - § 27. Finder's rights, generally
    - § 30. Joint finders
    - § 31. Lost-property statutes
    - § 32. Finder's duties, generally; duty to seek true owner
    - § 33. —Under lost-property
    - § 34. —Applicable standard of care
    - § 35. Owners, generally
  - Mislaid Property
    - § 36. Finders
    - § 37. —Owner or occupant of premises where property found
    - § 38. Owners, generally
- 1 [C.J.S.](#) *Abandonment* (2005).
  - § 4. Elements
  - § 5. Elements —Intent

§ 6. Elements—Intent may be express or implied  
§ 12. Evidence

- 36A [C.J.S.](#) *Finding Lost Goods* (2003).
  - I. In General
    - § 1. Definitions and general principles
  - II. Rights and duties of finder (§§ 2-9)
    - § 2. Generally
    - § 3. Against owner or representative
    - § 4. Against owner or representative—  
Reimbursement or reward
    - § 5. Against third person
    - § 6. Against third person—Ownership of property in  
or on which lost property found
    - § 7. Joint or multiple finders
    - § 8. Obligation of finder to owner
    - § 9. Actions by or against finder
- J.A. Bryant, Annotation, *Right Of One Who Acquires Lost Or Stolen Traveler's Check*, 42 [ALR3d](#) 846 (1972).
- Thomas J. Goger, Annotation, *Statutory Limitations Upon Innkeepers Liability As Applicable Where Guest's Property Is Lost Or Damaged Through Innkeeper's Negligence*, 37 [ALR3d](#) 1276 (1971).

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# Section 3: Treasure Trove in Connecticut

*A Guide to Resources in the Law Library*

**SCOPE:** Bibliographic resources relating to treasure troves in Connecticut

**DEFINITIONS:**

- **Treasure Trove:** “consists of coins or currency concealed by the owner . . . . It includes an element of antiquity . . . . To be classified as treasure trove, the property must have been hidden or concealed for such a length of time that the owner is probably dead or undiscoverable.” [Benjamin v. Lindner Aviation, Inc.](#), 534 N.W.2d 400, 406 (Iowa 1995).

**STATUTES:**

- CONN. GEN. STAT. (2011).  
Chapter 859. **Lost and unclaimed property.**  
[§ 50-9.](#) Lost goods; towns may adopt procedures for  
[§ 50-10.](#) Duties of finder.  
[§ 50-12.](#) Restoration to owner if claimed  
[§ 50-13.](#) Procedure if unclaimed  
[§ 50-14.](#) Disposition after expiration of time for making claim

**FORMS:**

- 1 [AM. JUR. LEGAL FORMS](#) *Abandoned, Lost, and Unclaimed Property* (2007).
  - § 1.6. Notice of finding of lost property—To public
  - § 1.7. Notice of finding of lost property—To known owner
  - § 1.11. Affidavit—By finder or saver of lost property
  - § 1.13. Report by finder of lost property—To police or sheriff's department
- 1 [AM. JUR. PLEADING & PRACTICE](#) *Abandoned, Lost and Unclaimed Property* (2003 revision).
  - § 19. Affidavit—By finder of lost property
  - § 21. Notice—Finding of lost property—To general public
  - § 22. Notice—Finding of lost property—To general public—Short form
  - § 23. Notice—Finding of lost property—To public officer
  - § 24. Notice—Finding of lost property—To public officer—Short form
  - § 25. Notice—Finding of lost property—To owner
  - § 26. Notice—Finding of lost property—To owner—Short form
  - § 27. Notice—Finding of lost property—To owner—Short form—Return conditioned on payment of reasonable charges
  - § 33. Petition or application—By finder—To deliver unclaimed or abandoned property to public officer and relieve finder of responsibility to owner
  - § 34. Petition or application—By finder—To establish title

- to lost property
- § 35. Order—Vesting title to lost property in finder
- § 38. Complaint, petition, or declaration—Against finder—For failure to give notice of finding
- § 39. Complaint, petition, or declaration—Against owner of business establishment—For recovery of money found by plaintiff on owner's premises
- § 40. Answer—Defense—Compliance with statutory notice requirement—Finder's failure to claim property within statutory period

**CASES:**

- [Grant v. West Haven Gardens Co.](#), 181 Conn. 379, 384, 435 A.2d 970 (1980). "The trial court concluded that the defendants must return the money found to the estate of Pasquale Stellato as the true owner, because the estate had constructive possession of the mislaid money."
- [Favorite v. Miller](#), 176 Conn. 310, 317, 407 A.2d 974 (1978). "In light of those undisputed facts the defendant's trespass was neither technical nor trivial. We conclude that the fact that the property found was embedded in the earth and the fact that the defendant was a trespasser are sufficient to defeat any claim to the property which the defendant might otherwise have had as a finder."

**WEST KEY NUMBER:**

- *Abandoned and Lost Property*
  - #10. In general; loss of property
  - #11. Rights and liabilities of finder as owner
  - #12. Title and rights of finder as to third person
  - #13. Title and rights of finders inter se

**DIGESTS:**

- ALR DIGEST
  - Abandonment*
  - Escheat*
- US L.ED. DIGEST: *Abandoned And Captured Property*

**ENCYCLOPEDIAS:**

- 1 [AM. JUR. 2D](#) *Abandoned, Lost, And Unclaimed Property* (2005).
  - Treasure-Trove
  - § 39. Finders
  - § 40. —Effect of statute
  - § 41. —Relation to rules as to lost property
  - § 42. Owners
- 36A [C.J.S.](#) *Finding Lost Goods* (2003).
  - § 5. Rights and Duties of finder —Against third person
- *Abandonment Of Personal Property*, 21 [CAUSES OF ACTION](#) 655 §1 et seq.
- 25 [AM JUR PROOF OF FACTS 2D](#) 685 (1981). *Abandonment of Tangible Personal Property*

- Annotation, *Modern Status Of Rules As To Ownership Of Treasure Troves As Between Finder And Owner Of Property On Which Found*, 61 [ALR4th](#) 1180 (1988).
- Wanda Ellen Wakefield, Annotation, *Validity, Construction, And Application Of Lost Or Abandoned Goods Statutes*, 23 [ALR4th](#) 1025 (1983).
- J.A. Bryant, Annotation, *Right Of One Who Acquires Lost Or Stolen Traveler's Check*, 42 [ALR3d](#) 846 (1972).
- Thomas J. Goger, Annotation, *Statutory Limitations Upon Innkeepers Liability As Applicable Where Guest's Property Is Lost Or Damaged Through Innkeeper's Negligence*, 37 [ALR3d](#) 1276 (1971).
- Annotation, *Validity Under Federal Constitution Of State Escheat Statutes—Federal Cases*, 7 [L. ED. 2d](#) 871 (1961).

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# Section 4: Property Embedded in the Earth

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*A Guide to Resources in the Law Library*

- SCOPE:** Bibliographic resources relating to treasure troves
- DEFINITIONS:**
- **Property embedded in the earth:** "Another line of cases holds that property, other than treasure trove, which is embedded in the earth is the property of the owner of the locus in quo . . . . The presumption in such cases is that possession of the article found in such cases is in the owner of the land and that the finder acquires no rights to the article found." [Favorite v. Miller](#), 176 Conn. 310, 316, 407 A.2d 974 (1978).
- CASES:**
- [Favorite v. Miller](#), 176 Conn. 310, 317, 407 A.2d 974 (1978). "In light of those undisputed facts the defendant's trespass was neither technical nor trivial. We conclude that the fact that the property found was embedded in the earth and the fact that the defendant was a trespasser are sufficient to defeat any claim to the property which the defendant might otherwise have had as a finder."
- WEST KEY NUMBER:**
- *Abandoned and Lost Property*
    - #10. In general; loss of property
    - #11. Rights and liabilities of finder as owner
    - #12. Title and rights of finder as to third person
    - #13. Title and rights of finders inter se
- DIGESTS:**
- ALR DIGEST
    - Lost Property* §§ 1-2
- ENCYCLOPEDIAS:**
- 1 [AM. JUR. 2D](#) *Abandoned, Lost, And Unclaimed Property* (2005).
    - § 17. Property embedded in the earth; archaeological resources
    - § 18. Distinctions
  - 36A [C.J.S.](#) *Finding Lost Goods* (2003).
    - § 5. Title and rights of finder —Against third person
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# Glossary of Terms

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**Abandonment:** "has been defined as the voluntary relinquishment of ownership of property without reference to any particular person or purpose . . . i.e. a 'throwing away' of the property concerned" [Favorite v. Miller](#), 176 Conn. 310, 313, 407 A.2d 974 (1978). (emphasis added).

**Conversion:** "The tort of conversion boasts a well established definition which is not disputed by the parties. 'Conversion occurs when one, without authorization, assumes and exercises the right of ownership over property belonging to another, to the exclusion of the owner's rights. [Falker v. Samperi](#), 190 Conn. 412, 419, 461 A.2d 681 (1983).'" [Luciani v. Stop & Shop Cos.](#), 15 Conn. App. 407, 409-410, 544 A.2d 1238 (1988).

**Duties of finder:** "Any person who finds and takes possession of any article of the value of one dollar or more shall report the finding of such article to the police department of the municipality in which he finds such article within forty-eight hours from the time of such finding. The finder of such article shall, at the time of reporting, furnish to the police department the date, time and place of finding, his name and address and a description of the article found, and, within a period of one week from such finding, shall deliver such article to the police department. Any person who violates or fails to comply with the provisions of this section shall be fined not more than one hundred dollars or imprisoned not more than thirty days or both. CONN.GEN. STATS. [§ 50-10](#) (2011).

**Entry and detainer** (landlord and tenant): "When any person (1) makes forcible entry into any land, tenement or dwelling unit and with a strong hand detains the same, or (2) having made a peaceable entry, without the consent of the actual possessor, holds and detains the same with force and strong hand, or (3) enters into any land, tenement or dwelling unit and causes damage to the premises or damage to or removal of or detention of the personal property of the possessor, or (4) when the party put out of possession would be required to cause damage to the premises or commit a breach of the peace in order to regain possession, the party thus ejected, held out of possession, or suffering damage may exhibit his complaint to any judge of the Superior Court." CONN. GEN. STATS. [§ 47a-43](#) (2011) (emphasis added).

**Escheat:** "Upon payment or delivery of property presumed abandoned to the Treasurer, the state shall assume custody and, except as otherwise provided in subsection (h) of section 3-65a, shall be responsible for all claims thereto. . ." CONN. GEN. STAT. [§ 3-67a\(a\)](#) (2011).

**Larcery:** "A person commits larceny when, with intent to deprive another of property or to appropriate the same to himself or a third person, he wrongfully takes, obtains or withholds such property from an owner. Larceny includes, but is not limited to: . . . (4) Acquiring property lost, mislaid or delivered by mistake. A person who comes into control of property of another that he knows to have

been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient is guilty of larceny if, with purpose to deprive the owner thereof, he fails to take reasonable measures to restore the property to a person entitled to it." CONN. GEN. STAT. [§ 53a-119](#) (2011).

**Lost property:** "has traditionally been defined as involving an involuntary parting, i.e. where there is no intent on the part of the loser to part with the ownership of the property." [Favorite v. Miller](#), 176 Conn. 310, 313, 407 A.2d 974 (1978). (emphasis added).

**Mislaid property:** "is defined as that which is intentionally placed by the owner where he can obtain custody of it , but afterwards forgotten." [Favorite v. Miller](#), 176 Conn. 310, 313, 407 A.2d 974 (1978). (emphasis added).

**Property embedded in the earth:** "Another line of cases holds that property, other than treasure trove, which is embedded in the earth is the property of the owner of the locus in quo . . . . The presumption in such cases is that possession of the article found in such cases is in the owner of the land and that the finder acquires no rights to the article found." . " [Favorite v. Miller](#), 176 Conn. 310, 316, 407 A.2d 974 (1978).

**Treasure Trove:** "consists of coins or currency concealed by the owner . . . . It includes an element of antiquity . . . . To be classified as treasure trove, the property must have been hidden or concealed for such a length of time that the owner is probably dead or undiscoverable." [Benjamin v. Lindner Aviation, Inc.](#), 534 N.W.2d 400, 406 (Iowa 1995).

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