

Reclaiming Unclaimed Property from the Government

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Americans who express serious grievances regarding [welfare state](#) entitlement handouts have a tendency to focus their rhetoric on theoretical abstractions rather than on practical action. Many of these libertarians and patriots are well-versed in multiple schools of economics, yet fall short when it comes down to examining the cafeteria of political tactics which might curb the power of the [administrative agencies](#). Presuming that taxation, debt, inflation, and “security from cradle to grave” are obstacles against securing our common human liberties, then what legal remedies, based on sound economics, are available to us as helpful tools in resisting central planning?

Unclaimed property, simply put, is abandoned property held in trust by a government’s treasury. The [Texas Comptroller of Public Accounts’ Unclaimed Property Division](#), the [Virginia Treasury’s Division of Unclaimed Property](#), and the [National Association of Unclaimed Property Administrators \(NAUPA\)](#) each define unclaimed property, respectively, as:



“Unclaimed Property is any financial asset that has been abandoned by the owner for one or more years. Some examples of property that can become abandoned are dividend, payroll or cashier’s checks, stocks, mutual fund accounts, bonds, utility deposits and other refunds, bank accounts and safe deposit box contents, insurance proceeds, mineral interest or royalty payments, court deposits, trust funds, [or] escrow accounts.”

“Unclaimed Property is money or intangible property owed to an individual or business. Property is considered unclaimed after it is held for an extended period of time with no owner contact and a ‘good faith’ effort has been made to locate the owner.”

“Unclaimed property (sometimes referred to as abandoned) refers to accounts in financial institutions and companies that have had no activity generated or contact with the owner for one year or a longer period.”

Pay attention to the fact that the government considers this type of property as being owed to its rightful owners, but has been unable to successfully locate them in order to return said property. Now, why would any government do this? [Virginia’s Division of Unclaimed Property](#) and [NAUPA](#) both said, respectively,

that:

“The Department of the Treasury administers the unclaimed property program as a consumer protection program for the citizens of Virginia. The primary purpose is to safeguard and return the unclaimed property to the rightful owners or their legal heirs.”

“Acting in the best interest of consumers, each state [government] has enacted an unclaimed property statute that protects your funds from reverting back to the company if you have lost contact with them. These laws instruct companies to turn forgotten funds over to a state official who will then make a diligent effort to find you or your heirs. Most states hold lost funds until you are found, returning them to you at no cost or for a nominal handling fee upon filing a claim form and verification of your identity.”

Notice that the government considers its trusteeship over unclaimed property as a type of consumer protection. What could possibly be the legal basis for this, though? [Title 6](#) of the [Texas Property Code](#) describes how the Texas government handles unclaimed property (although I was unable to locate a statutory definition for that term), yet thankfully, the Uniform Disposition of Unclaimed Property Act ([Code of Virginia § 55-210.2](#)) explicitly defines unclaimed property, legally, as:

“As used in this chapter, unless the context otherwise requires: [] ‘Unclaimed property’ means property for which the owner, as shown by the records of the holder of his property, has ceased, failed or neglected, within the times provided in this chapter, to make presentment and demand for payment and satisfaction or to do any other act in relation to or concerning such property. This definition shall be construed as excluding any act of a holder of unclaimed property not done at the express request or authorization of the owner.”

In other words, it is not the ownership of the property that is in question, but rather the fact that the owner has acquiesced in relinquishing possession of it, despite the fact that the government still recognizes the owner’s legal title to it.

How much unclaimed property does the government currently possess? Well, the [Arizona Department of Revenue’s Unclaimed Property Unit](#) says that it holds in excess of \$1,000,000,000 in unclaimed property that belongs to over 1,000,000 citizens. The [Charleston Daily Mail reported in 2011](#) that the West Virginia Unclaimed Property Division paid 88-year-old Frank Imperiale \$169,491.20 from the interest accrued in a savings account that Imperiale had opened during the 1940s. [ABC News reported in 2012](#) that nationwide, an estimated \$32,000,000,000 was cumulatively held by the several state governments, and by [January of 2013, CNN reported](#) that this number had apparently risen to approximately \$58,000,000,000. Interestingly enough, [Virginia’s Division of Unclaimed Property](#) said that:

“A portion of the funds received through the [unclaimed property] program is deposited into a reserve account maintained to allow for repayment to the rightful owners. The remaining funds are transferred to the Literary Fund for use in programs to support K-12 education. This doesn’t mean that these funds are no longer available to be claimed. They are simply being put to good use for the benefit of all citizens of the Commonwealth until the rightful owner(s) comes forward.”

Awfully clever, isn’t it? The Virginia government partially funds its public school system from a portion of the overall unclaimed property it currently possesses. It makes you wonder if any interest is also being earned on the principle amount, and if so, where that interest is being allocated towards, doesn’t it?

What difference does it make if the several state governments are holding onto billions of dollars worth of property that even they recognize as belonging to American citizens? Are there any implications of this for patriots and libertarians alike? You bet! [Henry Hazlitt once said](#) that:

“The condition of poverty, moreover, is relative rather than absolute...[t]he only real cure for poverty is production.”

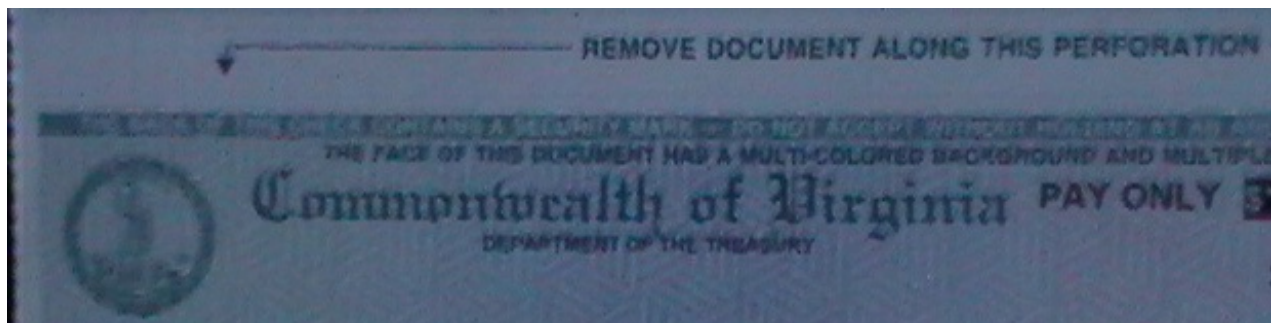
Of course, as any entrepreneur knows, in order to own and operate said means of production, whether it be a hammer or a factory line, individuals must have enough savings (that is, investment capital) in order to buy the tools required to be productive in whatever industry they choose to work in. But, it is nearly impossible to accumulate enough savings to do this since the government is completely hell-bent on [inflating, taxing, and indebting the remaining wealth of Americans](#) to the point where much of the citizenry find themselves dependent upon “social welfare” handouts like [food stamps](#) and [Section 8 housing](#). Add onto this the evils of the administrative agencies and their so-called “business regulations,” and what you find is a difficult political situation whereby the government has strongly discouraged people from creating wealth, mainly because there is little available capital from which to start new businesses.

Another implication to consider would be that reclaiming unclaimed property is a legal remedy that could help starve [the State](#). Objectivists and conservatives alike have argued over the years that it is moral and ethical to [“take the welfare benefits”](#) because [“it’s like getting your tax money back.”](#) Of course, there is never any accounting given by these taxpayers of how much they enjoy from their welfare entitlements *vis-à-vis* the amount of taxes they originally paid, so this is little else than a thinly veiled excuse for those who say they value frugality to not practice what they preach. By contrast, unclaimed property, by definition, is already the property of its owners, and in the meantime, is just sitting in the government’s coffers waiting around to be reclaimed. If you truly oppose the welfare state on principle, I can’t see a better way to do so legally than by attempting to reclaim your unclaimed property (although I will suggest that you refrain from practicing [civil disobedience](#) while trying to do so, lest the government attempts to use [civil forfeiture](#) against you, thereby making any restitution of your property null and void).

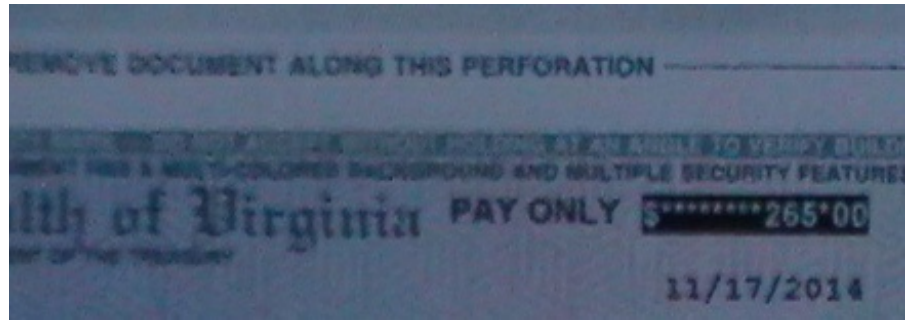
Inspired by [Stephen White’s article](#) on swatting the government parasites, I decided to test this method of reclaiming unclaimed property myself. NAUPA is affiliated with [MissingMoney.com](#), which is the closest equivalent to a nationwide searchable database that cross-references all the other searchable databases

of unclaimed property that are maintained by the several state governments. To my surprise, I found that there was property I was owed, but I would have to further contact Virginia's Division of Unclaimed Property for more details, which I did last August. I filed an affidavit under penalty of perjury claiming that I believed, in good faith, that I was the rightful owner of the unclaimed property in question, which turned out to be a tax refund in excess of \$50. Three months later, I received a check for \$265 from the Virginia Treasury, as you can see from a redacted scan of the receipt as well as the cropped photographs I took of the actual check itself:

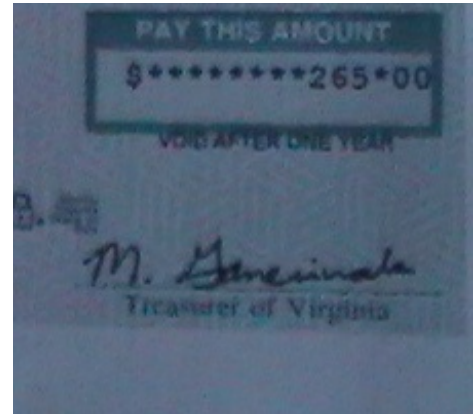
CHECK NO. [REDACTED]	COMMONWEALTH OF VIRGINIA	DATE: 11/17/2014		
DEPARTMENT OF THE TREASURY		PHONE: 804-225-2393		
[REDACTED]		S*****-00		
INV NO	INV DATE	INV DESC	CUST ACCOUNT#	AMOUNT
REFERENCE NO	11/14/2014	UNCLAIMED PROPERTY	[REDACTED]	\$265.00
	[REDACTED]	[REDACTED]	[REDACTED]	
TOTAL PAYMENT				\$265.00



Needless to say, I deposited the check without any hiccups. Not too long after, I rechecked the searchable unclaimed property databases, and any record I was still owed any unclaimed property was thankfully erased (just to clarify, my legal name is not the same as my pen name, hence why I redacted & cropped the abovementioned pictures, because [I'd like to retain whatever privacy I still have left](#)).



So, I can now say, that I successfully reclaimed formerly unclaimed property from the Virginia Treasury in the amount of \$265 between August and November of last year. In accordance with Stephen White's advice, I did use some of it to pay off the remaining balance of my credit card debt, although I have not yet switched to a credit union as he suggested, mainly because I think a better goal might be to become what the FDIC called "unbanked." Anyone who still [maintains a bank account is at a higher risk](#) for becoming a victim of [civil forfeiture](#), [identity theft](#), or even the [cashless society](#).



Unfortunately, there are limitations you must know about regarding the efficacy of reclaiming unclaimed property that I came across when I tested it recently:

- **First**, as you've probably noticed, you need to have some way of either depositing or otherwise cashing whatever check you may receive from the government.
- **Second**, you must verify your legal identity somehow; in my case, I was required to provide a photocopy of my Social Security card and my driver's license.
- **Third**, if your legal name does not pop up on any searchable unclaimed property database, then there is nothing more you can do, because you cannot reclaim any unclaimed property that the government does not recognize you as the legally rightful owner of; and,
- **Fourth**, reclaiming unclaimed property, for the most part, is a one-trick pony, unlike [dumpster diving](#), which is repeatable, albeit legally questionable, depending on where you live.

There are some misconceptions I'd like to clear up regarding the entire topic of unclaimed property. Despite what [corporate media](#) may say or imply, reclaiming unclaimed property has nothing to do with the [Internal Revenue Service](#), and little, if anything, to do with the federal government at large, because it is mostly a phenomenon involving the several state governments. Unclaimed property is neither a [Matthew Lesko](#) "free money" scam nor a welfare state entitlement handout, because of the government's legal basis for it, in addition to its potential as a legal remedy for shrinking the welfare state. Fears that merely searching the unclaimed property databases *somehow* violate your privacy are bogus, for the very simple reason that the unclaimed property units already have your Social Security number on file (as they did with me); I suggest that if you consider yourself a privacy advocate, then you should see if any unclaimed property is owed you, and if so, to reclaim it, so your legal name can be removed from those databases (as was done with me). Most importantly, reclaiming unclaimed property is definitely *not* the same as the alleged "[Accepted for Value](#)" (A4V) method those oxymoronic "[sovereign citizens](#)" typically advise people

to *somehow* pick up and use.

To summarize, reclaiming unclaimed property is a way for someone to legally rescue private property, similar to how dumpster diving does so in principle, albeit in its own legally precarious way. I hope that I've sufficiently proved that reclaiming unclaimed property is just as reliable a legal remedy as [unregistering from the voter rolls](#) is, besides the fact that both of them appear to reinforce [state citizenship](#). If any of you are successful in reclaiming unclaimed property yourselves, I'd suggest you consider investing the proceeds into tangible goods, such as [storable foods](#) or [precious metals](#), as you are willing to do so.

If anyone is going to be able to [frugally enjoy their liberty](#), then it would behoove each and every one of us to rectify the “[mugger's sandwich](#)” problem as best as we individually can. By doing so, we can begin the road towards [financial independence](#) from both the government and the corporations, neither of whom really care about our lives or liberties. To be fair, though, I think some frank conversations need to be had regarding whether the government respects our property rights, especially in light of [civil asset forfeiture](#), with the pressing question being, does the legal ability for citizens to reclaim unclaimed property adequately counterbalance the government's ability to civilly forfeit anyone's private property anytime they wish?