

**DISTRIBUTION OF EXCESS PROCEEDS
FROM TAX SALES**

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DISTRIBUTION OF EXCESS PROCEEDS FROM TAX SALES

§ 48-4-5 (a) WRITTEN NOTICE OF EXCESS FUNDS

- Notice to potential claimants who have an interest **of record**

- (1) A title examination is required.
- (2) Is the Tax Commissioner obligated to provide notice to holders of unrecorded claims to which the Tax Commissioner has actual knowledge?

- Notice to potential claimants who have an interest **at the time of the tax sale**

- (1) The holder of a security deed that is enforceable at the time of the tax sale, but that subsequently becomes unenforceable by reversion is still entitled to notice and potentially entitled to said proceeds. Worthwhile Investments, LLC et al. v. Higgins, 337 Ga.App. 183 (2016)

BUT the holder of a security deed that is subsequently satisfied in full is not entitled to said proceeds. DLT List, LLC et al. v. M7EVEN Supportive Housing & Development Group, 301 Ga. 131 (2017); Bridges v. Collins-Hooten et al., 339 Ga.App. 756 (2016)

- (2) The holder of a lien that is enforceable at the time of the tax sale but subsequently becomes dormant would still be entitled to notice and potentially entitled to said proceeds under the same analysis. (Judgment liens become dormant after 7 years unless renewed or revived per O.C.G.A. § 9-12-60; state/county/city tax executions become dormant after 7 years per O.C.G.A. § 48-3-21; IRS tax liens become dormant after 10 years and 30 days per I.R.C. § 6323(g)(3).]
- (3) The holder of a tax execution accruing after the date of the tax sale is not entitled to notice (obviously) and is not potentially entitled to said proceeds. Iglesia Del Dios Vivo Columna Y Apoyo de la Verdad la Luz del Mundo, Inc. v. Downing, 231 Ga.App. 778 (2013)
- (4) The holder of a lien other than a tax execution accruing after the date of the tax sale is not entitled to notice (obviously), but is the holder potentially entitled to said proceeds?

- Notice must be mailed **within 30 days** after the tax sale

- (1) What is the consequence of failing to correctly mail notices?
Sovereign Immunity is a defense to an action for failure to perform statutory duties under 48-4-5. Bartow County v. Southern Development, III, LP, 325 Ga.App. 879 (2014)

- Example of Notice attached

- Example of Disbursement Procedures attached

§ 48-4-5 (b) DISBURSEMENT; INTERPLEADER ACTION; PRIORITY OF CLAIMS

- The Tax Commissioner **may** file, when deemed necessary, an interpleader action. Circumstances requiring the filing of an interpleader action include:

- (1) multiple / competing potential claims;
- (2) a potential claimant who is not of age or is otherwise not competent (request will be made to the Court to appoint a guardian ad litem); and
- (3) an unrepresented estate is a potential claimant.
 - (A) The Tax Commissioner may rely on an Affidavit of Heirship under certain circumstances;
 - (B) If the Tax Commissioner relies on an Affidavit of Heirship, the best practice is to attempt to verify the contents of such affidavit through published obituaries.

- Interpleader actions are governed by O.C.G.A. § 23-3-90 et seq.

- (1) Petition must allege that the Petitioner is not in collusion with any party claiming the property.
- (2) Payment of reasonable and necessary fees and expenses, including attorneys fees, are recoverable (example of Bill of Costs / Affidavit of Attorney attached).
- (3) Tax Commissioner can not be a claimant. The plaintiff in an interpleader

action must be a disinterested party and “must not have or claim any interest in the subject matter”. Almand v. Reese, 209 Ga. 138 (1952). See special concurrence in Bridges v. Collins-Hooten et al., 339 Ga.App. 756 (2016)

- If an interpleader action is not deemed necessary, the Tax Commissioner may disburse the proceeds pursuant to an affidavit (example of Affidavit is attached).

- Failure of record lienholder to file a claim in response to a § 48-4-5 Notice

- Lien priorities are generally “first in time, first in right”

- (1) Lien must be recorded in the County in which the property is located
- (2) Exceptions to the first in time rule include tax liens (see O.C.G.A. § 48-2-56), mechanics’ and materialmen’s liens, and certain special assessments.
- (3) Prior to DTL List, LLC v. M7VEN Supportive Housing & Development Group, 301 Ga. 131 (2017), redeeming creditors had super-priority to excess tax sale proceeds pursuant to O.C.G.A. § 48-4-43.

§ 48-4-5 (c) TRANSFER OF FUNDS TO GEORGIA DEPARTMENT OF REVENUE

- DOR Forms attached.

MISCELLANEOUS ISSUES

- Open Records requests

- “The Money Rule” per O.C.G.A. § 15-13-3

- Sale or transfer of rights to excess proceeds. Worthwhile Investments, LLC et al. v. Higgins, 337 Ga.App. 183 (2016)

- Tax executions held by a holding company. Scott v. Vesta Holdings I, LLC et al., 275 Ga.App. 196 (2005)

§ 48-4-5 Payment of excess

§ 48-4-5. Payment of excess

(a) If there are any excess funds after paying taxes, costs, and all expenses of a sale made by the tax commissioner, tax collector, or sheriff, or other officer holding excess funds, the officer selling the property shall give written notice of such excess funds to the record owner of the property at the time of the tax sale and to the **record owner** of each security deed affecting the property and to all other parties having **any recorded equity interest or claim** in such property **at the time of the tax sale**. Such notice shall be sent by first-class mail within 30 days after the tax sale. The notice shall contain a description of the land sold, the date sold, the name and address of the tax sale purchaser, the total sale price, and the amount of excess funds collected and held by the tax commissioner, tax collector, sheriff, or other officer. The notice shall state that the excess funds are available for distribution to the owner or owners as their interests appear in the order of priority in which their interests exist.

(b) The tax commissioner, tax collector, sheriff, or other officer may file, when deemed necessary, an interpleader action in superior court for the payment of the amount of such excess funds. Such excess funds shall be distributed by the superior court to the intended parties, including the owner, **as their interests appear and in the order of priority in which their interests exist**. The cost of litigation of such an interpleader action, including reasonable attorney's fees, shall be paid from the excess funds upon order of the court.

(c) After five years have elapsed from the tax sale date, the tax commissioner, tax collector, sheriff, or other officer holding excess funds shall pay over to the department any excess unclaimed funds and for which no action or proceeding is pending in a claim for payment. Once excess funds are placed in the possession of the department, only a court order from an interpleader action filed in the county where the tax sale occurred, by the claimant for the funds, shall serve as justification for release of the funds.

History Orig. Code 1863, § 814; Code 1868, § 894; Code 1873, § 892; Code 1882, § 892; Civil Code 1895, § 912; Civil Code 1910, § 1175; Code 1933, § 92-8106; Code 1933, § 91A-405, enacted by Ga. L. 1978, p. 309, § 2; Ga. L. 2002, p. 1481, § 3; Ga. L. 2006, p. 770, § 5/SB 585; Ga. L. 2010, p. 878, § 48/HB 1387.

VIA U.S.P.S. FIRST-CLASS MAIL 05/15/2018

Elbert County Tax Commissioner's Office
Lorrie H. Higginbotham
Tax Commissioner
P.O. Box 603
Elberton, GA 30635
(706) 283-2018

NOTICE OF EXCESS FUNDS FROM TAX SALE

Velocity Investments, LLC Assignee
PO Box 52815
Atlanta, GA 30355

This is to inform you, pursuant to O.C.G.A. 48-4-5, that the below-described property in which you had a recorded ownership or security interest or any recorded equity interest or claim was sold at a tax sale by this office on April 3, 2018.

The excess funds from the tax sale, in the amount described below, are available for distribution to the owner(s) or lienholder(s) as their interests appear in the order of priority in which their interests exist. If you would like to make a claim to these excess proceeds, please contact me at the address or telephone number listed above.

Sincerely,

Lorrie H. Higginbotham

DESCRIPTION OF LAND SOLD:
185 S. Thomas Street, Elberton, GA
Tax Parcel # E3112
See Exhibit "A" attached hereto.

DATE SOLD: April 3, 2018

NAME AND ADDRESS OF TAX SALE PURCHASER:
Mr. Rajeev Chauhan
504 Watermarke Lane
Anderson, SC 29625

TOTAL SALES PRICE: \$18,000

AMOUNT OF EXCESS FUNDS COLLECTED AND HELD: \$12,585.19

**ELBERT COUNTY TAX COMMISSIONER
P.O. BOX 603
ELBERTON, GEORGIA 30635**

DISTRIBUTION OF EXCESS PROCEEDS FROM TAX SALES

Excess proceeds from tax sale are distributed one of two ways: through an Interpleader Action filed in the Superior Court, or through an Affidavit from the claimant.

The process is started by the claimant making a written request for excess proceeds to the Tax Commissioner. This can be a one-paragraph letter listing the property address or tax parcel number, and the claimant's name, address, and telephone number. No particular form or legal language is required.

To determine whether an Interpleader Action is necessary, a title examination has to be conducted and a written title opinion has to be issued by an attorney licensed to practice law in the State of Georgia and approved by the Tax Commissioner. If the claimant doesn't specify their own attorney, the County Attorney conducts the title exam.

If there are multiple potential claims to the proceeds (for example, if the previous owner had a open mortgage or a lien of record), or if the claimant is not of legal age or is otherwise not competent, then an Interpleader Action is required. The County Attorney prepares and files the Complaint and has all interested parties served with process unless they acknowledge service. The Tax Commissioner then pays the excess proceeds into the Registry of the Court at that time. After service or acknowledgment, all interested parties are allowed a period of time to file a legal response (we recommend that all potential claimants hire their own attorneys in that event). If any interested party is a minor or is legally incompetent, a guardian is appointed to represent their interests. After a hearing, the Judge of the Superior Court decides who is legally entitled to the excess proceeds and enters an Order to that effect, and the Clerk of the Superior Court disburses the proceeds in accordance with the Court Order.

If there is only one potential claimant and the claimant is of legal age and is competent, then an Interpleader Action may not be required. In that event, we can disburse the funds through an Affidavit signed by the claimant. The Affidavit is drafted by the County Attorney and sets forth the fact that no liens of record exist against the claimant and that nobody claims an interest in the property adverse to claimant.

Whether an Interpleader Action is necessary or not necessary is in the sole discretion of the Tax Commissioner acting in the best interests of the County. The reasonable costs of bringing the Interpleader Action (or otherwise disbursing the excess funds) are paid out of the excess proceeds.

§ 23-3-90 Interpleader; when compelled; taxing of costs, attorney's fees

§ 23-3-90. Interpleader; when compelled; taxing of costs, attorney's fees

(a) Whenever a person is possessed of property or funds or owes a debt or duty, to which more than one person lays claim of such a character as to render it doubtful or dangerous for the holder to act, he may apply to equity to compel the claimants to interplead.

(b) If the person bringing the action has to make or incur any expenses in so doing, including attorney's fees, the amount so incurred shall be taxed in the bill of costs, under the approval of the court, the court in its discretion determining the amount of the attorney's fees, and shall be paid by the parties cast in the action as other costs are paid.

History Orig. Code 1863, § 3156; Code 1868, § 3168; Code 1873, § 3235; Code 1882, § 3235; Civil Code 1895, § 4896; Civil Code 1910, § 5471; Code 1933, § 37-1503; Ga. L. 1952, p. 90, § 1.

§ 23-3-91 Verification of petition

§ 23-3-91. Verification of petition

Every petition for interpleader shall be verified and shall show that the petitioner is not in collusion with any party claiming the property.

History Civil Code 1895, § 4897; Civil Code 1910, § 5472; Code 1933, § 37-1504.

IN THE SUPERIOR COURT OF ELBERT COUNTY
STATE OF GEORGIA

LORRIE HIGGINBOTHAM,)	CIVIL ACTION NUMBER
AS TAX COMMISSIONER FOR ELBERT)	
COUNTY AND EX-OFFICIO SHERIFF)	14EV490M
OF ELBERT COUNTY,)	
Plaintiff,)	
)	
Vs.)	
)	
REPUBLIC TITLE COMPANY, LLC)	
AS ASSIGNEE OF MARIA G. CARDENAS,)	
Defendant,)	
)	
FIRST FAMILY FINANCIAL SERVICES, INC.)	
AS SUCCESSOR-BY-MERGER TO FIRST)	
FAMILY FINANCIAL SERVICES OF)	
GEORGIA, INC.)	
Defendant.)	
)	

BILL OF COSTS / AFFIDAVIT

PERSONALLY APPEARED before me, the undersigned officer, duly authorized to administer oaths, BILL DAUGHTRY, who having been duly sworn, deposes and states on oath as follows:

1.

My name is Bill Daughtry. I am above the age of twenty-one (21) years and am competent to testify to the matters stated in this Affidavit. This Affidavit is based upon my personal knowledge and information.

2.

I serve as County Attorney for Elbert County, and in that capacity, I represented Lorrie Higginbotham, as Tax Commissioner and Ex-Officio Sheriff for Elbert County, in the above-referenced matter.

3.

As attorney for Higginbotham, I performed the professional services and advanced the fees and expenses as set forth on the Statement of Account attached hereto as Exhibit "A".

4.

I did in fact perform the said services and advance the fees and expenses as set forth, and the said services were reasonable and necessary to the performance of my duties in my professional opinion.

FURTHER AFFIANT SAITH NOT.

BILL DAUGHTRY

Sworn to and Subscribed before me,
this the _____ day of December, 2014.

Notary Public, Elbert County, Georgia
My Commission Expires: _____

STATE OF GEORGIA)
)
COUNTY OF ELBERT)

PARCEL # E19-039

– AFFIDAVIT –

Personally appeared before me the undersigned, JAMES G. HENDRIX, JR., AS EXECUTOR OF THE ESTATE OF JAMES G. HENDRIX, SR., who being duly sworn, deposes and says on oath as follows:

1.

My name is James G. Hendrix, Jr. I am above the age of twenty-one (21) years. I am of sound and disposing mind and are competent to testify to the matters stated in this Affidavit. This Affidavit is based upon my personal knowledge and information.

2.

On April 26, 2012, the Probate Court of Elbert County, Georgia probated the Last Will and Testament of James G. Hendrix, Sr., and the Court appointed me Executor of the Estate. The Will and proceedings related thereto are recorded in the said Court in Estate No. 2012-041. I am still serving as Executor and have not been dismissed or discharged.

3.

Immediately prior to 04/03/2018 (date of the tax sale), the Estate of James G. Hendrix, Sr. was the fee simple owner of a one hundred percent (100%) interest in and to all that tract or parcel of land described in Exhibit “A” (the Property) attached hereto and incorporated herein by reference.

4.

Immediately prior to 04/03/2018 (date of the tax sale), there were no security deeds by the Estate of James G. Hendrix, Sr. secured in whole or in part by the Property or by any portion of the Property, except as follows: None.

5.

Immediately prior to 04/03/2018 (date of the tax sale), there were no then-pending suits, proceedings, judgments, bankruptcies, liens, claims of lien, or executions against the Estate of James G. Hendrix, Sr. either in the aforesaid County or any other County in the State of Georgia, except as follows: None.

6.

There are presently no pending suits, proceedings, judgments, bankruptcies, liens, claims of lien, or executions against the Estate of James G. Hendrix, Sr. either in the aforesaid County or any other County in the State of Georgia, except as follows: None.

7.

Immediately prior to 04/03/2018 (date of the tax sale), no one had claimed any interest to the Property adverse to the interest of the Estate of James G. Hendrix, Sr., and I know of no one who had, as of 04/03/2018 (date of the tax sale) any claim to the property adverse to the interest of the Estate of James G. Hendrix, Sr., except as follows: None.

8.

I understand that the Elbert County Tax Commissioner as Sheriff *ex officio* of Elbert County, holds excess proceeds from the tax sale of my property on 04/03/2018 (date of the tax sale) in the amount of \$8,223.06 (amount of excess proceeds).

9.

I understand that the Elbert County Tax Commissioner as Sheriff *ex officio* of Elbert County has the right to file an interpleader action in the Superior Court of Elbert County for the distribution of said excess proceeds, with the expenses thereof being paid from said excess proceeds.

10.

In lieu of an interpleader action being filed, I (individually and on behalf of the Estate) hereby waive any and all claims the Estate may have now or in the future against the Elbert County Tax Commissioner, Elbert County, any of its agents or employees, and consent to the distribution of said excess proceeds as follows:

\$ 75.00	Elbert County	Preparing and mailing statutory notice of excess proceeds
\$ 150.00	Elbert County	Title examination to determine the priorities of the ownership interests to the property, as well as any and all liens or encumbrances.
\$ 100.00	Elbert County	Drafting of disbursement affidavit
\$ 7,898.06	Estate of James G. Hendrix, Sr.	Balance of excess proceeds.

11.

This Affidavit is made with the understanding that it will be relied upon by the Elbert County Tax Commissioner and Elbert County, Georgia, and we give this Affidavit with the expectation of that reliance.

FURTHER AFFIANT SAITH NOT.

THE ESTATE OF JAMES G. HENDRIX, SR.

By: _____
James G. Hendrix, Jr., Executor

Address:

Sworn to and subscribed before me this
the _____ day of January, 2019.

Notary Public, State of Georgia
My Commission Exp: _____

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BOC\AffidavitReTaxSaleProceeds-HendrixEstateE19-038.wpd

§ 48-2-56 Liens for taxes; priority

§ 48-2-56. Liens for taxes; priority

(a) Except as otherwise provided in this Code section, liens for all taxes due the state or any county or municipality in the state shall arise as of the time the taxes become due and unpaid and all tax liens shall cover all property in which the taxpayer has any interest from the date the lien arises until such taxes are paid.

(b) Except as otherwise provided in this Code section, liens for taxes are superior to all other liens and shall be paid before any other debt, lien, or claim of any kind. Liens for taxes shall rank among themselves as follows:

(1) Taxes due the state;

(2) Taxes due counties of the state;

(3) Taxes due school and other special tax districts of the state; and

(4) Taxes due municipal corporations of the state.

(c) The lien for taxes imposed by Article 1 of Chapter 9 of this title, relating to motor fuel taxes, shall not have priority as against:

(1) Any bona fide mortgagee, holder, or transferee of a deed to secure debt; or

(2) Any pledgee, judgment creditor, or purchaser of or from persons liable for the tax imposed by Article 1 of Chapter 9 of this title

where the rights of such mortgagee, holder, or transferee of a deed to secure debt, pledgee, judgment creditor, or purchaser have attached prior to the time the lien has been filed by the commissioner in the office of the clerk of superior court of the county in which the principal place of business is located.

(d)

(1) Liens for any ad valorem taxes shall cover the property of taxpayers liable to tax from the time fixed by law for valuation of the property in each year until such taxes are paid and shall cover the property of tax collectors or tax commissioners and their sureties from the time of giving bond until all the taxes for which they are responsible are paid.

(2) The lien for any ad valorem tax shall not be superior to the title and operation of a security deed when the tax represents an assessment upon property of the taxpayer other than property specifically covered by the title and operation of the security deed.

(3) When real property located within this state is transferred between the date on which any ad valorem tax lien on the property vests and the date on which the tax evidenced by the tax lien becomes due and payable, the ad valorem tax lien on the transferred property shall not extend to cover any other real property of the transferor.

(e) The lien for taxes imposed by the provisions of Article 2 of Chapter 7 of this title, relating to certain income taxes, shall:

(1) Arise and attach to all property of the taxpayer as of the time a tax execution for these taxes is filed with the clerk of superior court of the county of the last known address of the taxpayer appearing on the records of the department at the time the state tax execution is filed; and

(2) Not be superior to the lien of a prior recorded instrument securing a bona fide debt.

Before the lien provided for in this subsection shall attach to real property, an execution shall be filed with the clerk of superior court in the county where the real property is located.

(f) The lien for taxes imposed by the provisions of Article 5 of Chapter 7 of this title, relating to withholding taxes, shall:

(1) Arise and attach to all property of the defaulting employer or other person required to deduct and withhold on the date of the assessment of the taxes by operation of law or by action of the commissioner;

(2) Not be superior to the lien of a prior recorded instrument securing a bona fide debt; and

(3) Not attach to the interest of a subsequent bona fide purchaser nor be superior to the lien of a lender for value recorded prior to the time the execution for the tax has been filed in the office of the clerk of superior court of the county of the last known address of the taxpayer appearing on the records of the department at the time the state tax execution is filed.

Before the lien provided for in this subsection shall attach to real property, an execution shall be filed with the clerk of superior court in the county where the real property is located.

(g)

(1) The lien of a specific or occupation tax shall not be superior to the title and operation of a security deed recorded prior to the time the execution for the tax has been filed in the office of the clerk of superior court of the county of the last known address of the taxpayer appearing on the records of the department at the time the state tax execution is filed.

(2) As used in this subsection, the term "specific or occupation tax" means all state, county, and municipal taxes and all state licenses and fees except:

(A) The taxes imposed by Article 1 of Chapter 9 of this title;

(B) Ad valorem taxes;

(C) The taxes imposed by Article 2 of Chapter 7 of this title; and

(D) The taxes imposed by Article 5 of Chapter 7 of this title.

The term includes, but is not limited to, sales and use taxes, corporate net worth taxes, estate taxes, real estate transfer taxes, taxes on financial institutions, alcohol and tobacco taxes, road taxes on motor carriers, excise taxes, license fees, tax liabilities of corporate officers and business successors, and tax collections of a person who is a dealer under Chapter 8 of this title relating to sales and use taxation.

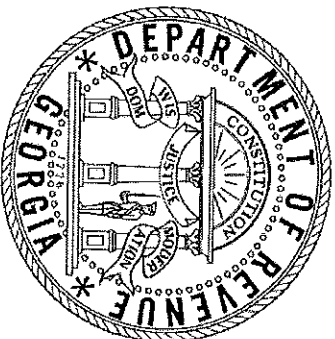
(h) Liens for taxes existing prior to July 1, 1983, shall not be changed by this Code section. On and after July 1, 1983, this Code section shall govern the time of creation of all tax liens and the priority of all tax liens.

(i) All executions, liens, releases, cancellations, or other related documents issued by the department to be filed with a superior court clerk shall be presented and filed electronically pursuant to Code Section 48-3-42 and the appropriate filing fees shall be paid by the department as provided in subsection (f) of Code Section 15-6-77.

History Ga. L. 1873, p. 42, § 2; Code 1873, § 1973; Code 1882, § 1973; Civil Code 1895, § 2791; Civil Code 1910, § 3333; Code 1933, § 92-5708; Ga. L. 1937-38, Ex. Sess., p. 77, § 42; Ga. L. 1937-38, Ex. Sess., p. 156, § 10; Ga. L. 1953, Nov.-Dec. Sess., p. 168, §§ 2, 3; Ga. L. 1968, p. 360, § 15; Ga. L. 1978, p. 1778, § 1; Code 1933, § 91A-252, enacted by Ga. L. 1978, p. 309, § 2; Ga. L. 1979, p. 5, § 13; Ga. L. 1983, p. 1834, § 4; Ga. L. 1984, p. 22, § 48; Ga. L. 1988, p. 13, § 48; Ga. L. 1993, p. 768, § 1; Ga. L. 2017, p. 723, § 2/HB 337; Ga. L. 2018, p. 1, § 1/HB 661.

**STATE OF GEORGIA
UNCLAIMED PROPERTY
ANNUAL FILING REPORT
REPORT YEAR 2018**

GOVERNMENT ENTITIES



**REPORTING 25 OR MORE ACCOUNTS?
FREE SOFTWARE TO FILE ELECTRONICALLY**

**HRS PRO LOCATED AT
[HTTP://WWW.WAGERS.NET](http://www.wagers.net)**

**USER'S GUIDE FOR THIS PROGRAM IS
AVAILABLE ON THE WEBSITE. THE PROGRAM
HAS AN EXCEL TEMPLATE THAT ALLOWS YOU
TO PLACE INFORMATION INTO AN EXCEL FILE
AND THEN IMPORT IT INTO THE NATIONAL
ASSOCIATION OF UNCLAIMED PROPERTY
ADMINISTRATORS (NAUPA) FORMAT PROGRAM.**

FOR MORE INFORMATION EMAIL US AT

UCP.REPORTING@DOR.GA.GOV

PHONE: (855) 329-9863

**GEORGIA DEPARTMENT OF REVENUE
UNCLAIMED PROPERTY REPORTING**

**2018
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UNCLAIMED PROPERTY

INTRODUCTION

The Disposition of Unclaimed Property Act, O.C.G.A. Section 44-12-190 et seq., (the "Act") protects the rights of owners of abandoned property and relieves those holding the property of the continuing responsibility to account for such property. Under the Act, when someone ("holder") holds property that belongs to someone else ("owner") but has lost contact with that owner for a specified period of time ("dormancy period"), that holder must turn over ("remit") the property to the state. The remittance must be accompanied by a report describing the property and contain certain information that will help the state advertise the property and take other steps to return the property to the rightful owner. The state serves as custodian for any property remitted under the Act, allowing the owners or their heirs an opportunity to claim their property in the future.

This booklet contains reporting forms and instructions to help holders comply with the Act. See the table of contents for the appropriate form for your entity.

Please note that some holders may need to submit more than one report type. Each individual report should be accompanied by a separate CD and remittance.

EXAMPLE: A bank reporting cash, safe deposit box contents and securities
Should file three (3) separate reports, CD's and remittances.
(see forms and instructions)

Entities with no property to remit are required to file a negative report. Please see table of contents for these forms and instructions.

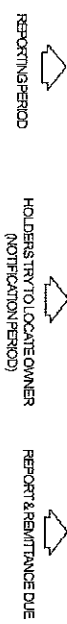
WHO MUST REPORT

Anyone that has abandoned property must remit it to the state if they have held the property for longer than the dormancy period. The Unclaimed Property Act applies to both for-profit and non-profit businesses as well as governmental entities. Holders incorporated in Georgia must report and remit to this state any unclaimed property of owners having a Georgia address, or an incomplete, unknown or foreign address. Holders not incorporated in Georgia must report and remit unclaimed property belonging to an owner having a Georgia address.

Unclaimed Property Time Line

ALL GOVERNMENTAL ENTITIES

July 1, 2017 - June 30, 2018 (Report items reaching dormancy during this time)	July 1, 2018 - September 1, 2018 (no less than 60 days, no more than 120 days)	November 1, 2018
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If you are filing for the first time, the report should include all property dated prior to June 30, 2013.

STEPS FOR FILING YOUR ANNUAL UNCLAIMED PROPERTY REPORT

STEP 1: IDENTIFY THE UNCLAIMED PROPERTY required to be remitted to the Georgia Department of Revenue. Unclaimed Property Program. Examples of property to be remitted to the state as unclaimed property include savings and checking accounts, unclaimed wages, dividends, credit balances and outstanding checks. For a complete listing of the types of property that must be remitted under the Act, refer to Page 3.

STEP 2: TRY TO LOCATE THE OWNERS OF THE UNCLAIMED PROPERTY IDENTIFIED IN STEP 1. This process is defined as "due diligence." If an account has a value of \$50 or more, the law requires that holders must make an effort to communicate with an owner prior to remitting the property to the state. You can do this by sending a first class letter to the owner's last known address at least 60 days, but no more than 120 days, before remitting the owner's property to the state. A sample due diligence letter can be found on Page 5.

STEP 3: SEND YOUR REPORT AND CHECK PAYABLE TO THE GEORGIA DEPARTMENT OF REVENUE, UNCLAIMED PROPERTY PROGRAM. Government entities must file by November 1.

Example Property Types

See Page 3 for complete list.

HOLDER TYPE	PROPERTY TYPE	DORMANCY PERIOD	REPORTING PERIOD	LAST ACTIVITY DATE	NOTIFICATION PERIOD	REPORT & REMIT DATE
State Agency	Unclaimed Wages	1 Year	7/1/17 - 6/30/18	7/1/16 - 6/30/17	7/1/18 - 9/1/18	12/1/18
County	Customer Overpayments	5 Years	7/1/17 - 6/30/18	7/1/12 - 6/30/13	7/1/18 - 9/1/18	11/1/18

EXAMPLE (A)
If you are a government entity and have identified uncashed payroll checks dated 7/1/16 - 6/30/17, you should report them as unclaimed property for the reporting period 7/1/17 - 6/30/18. You should attempt to notify the payee of the check at the payee's last known address between 7/1/18 and 9/1/18. If these attempts fail, you must remit the face amount of each unclaimed payroll check with the report you file by 11/1/18.

EXAMPLE (B)
If you are a government entity and have identified uncashed customer refunds dated 07/01/12 - 06/30/13, you should report them as unclaimed property for the reporting period 07/01/17 - 06/30/18. You should attempt to notify the payee of the check at the last known address between 07/01/18 and 09/01/18. If these attempts fail, you must remit the face amount of each unclaimed refund check with the report you file by 11/01/18.

PROPERTY CODES WITH DORMANCY PERIODS

CODE	YEARS	CODE	YEARS
Account Balances		Miscellaneous	
AC01 Checking Accounts	5	MS01 Wages, Payroll, Salary	1
AC02 Savings Accounts	5	MS02 Commissions	1
AC03 Matured CD or Savings Certificates	5	MS03 Workers' Compensation Benefits	5
AC04 Christmas Club Funds	5	MS04 Payment for Goods and Services	5
AC05 Deposit to Secure Funds	5	MS05 Customer Overpayments	5
AC06 Security Deposits	5	MS06 Unidentified Remittances	5
AC07 Unidentified Deposits	5	MS07 Unrelied Overcharges	5
AC08 Suspense Accounts	5	MS08 Accounts Payable	5
AC99 Aggregate Account Balance Due	5	MS09 Credit Balances/Accounts Receivable	5
Official Checks		MS10 Discounts Due	5
CK01 Cashier's Checks	5	MS11 Refunds Due	5
CK02 Certified Checks	5	MS12 Unredeemed Gift Certificates	5
CK04 Treasurer's Checks	5	MS13 Unclaimed Loan Collateral	5
CK06 Warrants	5	MS14 Pension and Profit Sharing Plans	5
CK07 Money Orders	7	MS15 Disolution or Liquidation	1
CK08 Traveler's Checks	15	MS16 Miscellaneous Outstanding Checks	5
CK09 Foreign Exchange Checks	5	MS17 Miscellaneous Intangible Property	5
CK10 Expense Checks	5	MS18 Suspense Liabilities	5
CK11 Pension Checks	5	MS99 Aggregate Miscellaneous Property	5
CK12 Credit Checks or Memos	5	Trust Property	
CK13 Vendor Checks	5	TR01 Paying Agent Accounts	5
CK14 Checks Written Off to Income	5	TR02 Undelivered or Uncashed Dividends	5
CK15 Other Outstanding Official Checks	5	TR03 Funds Held in Fiduciary Capacity (Excess Tax)	5
CK16 CD Interest Checks	5	TR04 Escrow Accounts	5
CK99 Aggregate Uncashed Checks	5	TR05 Trust Vouchers	5
Court Funds		TR99 Aggregate Trust Property	5
CT01 Escrow Funds	5	Utilities	
CT02 Condensation Awards	5	UT01 Utility Deposits	5
CT03 Missing Heir's Funds	5	UT02 Membership Fees	5
CT04 Suspense Accounts	5	UT03 Refunds or Rebates	5
CT05 Other Court or Public Authority Funds	5	UT99 Aggregate Utility Property	5
CT99 Aggregate Court Deposits	5	All Other Property	
		ZZZZ Properties Not Identified Above	5

OWNER RELATIONSHIP CODES

RELATION TYPE CODE	RELATION TYPE
AD	Administrator
AF	Attorney For
AG	Agent For
AN	And
AO	And/Or
BF	Beneficiary
CC	Co-Conservator
CF	Custodian For
CN	Conservator
EX	Executor or Executrix
FB	For Benefit Of
GR	Guardian For
IN	Insured
JC	Joint Tenants In Common
JT	Joint Tenants with Right of Survivorship
OR	Or
P	Primary Owner
PA	Payee
PO	Power of Attorney
RE	Rentier
SO	Sole Owner
TE	As Trustee For
UG	Uniform Gift to Minors Act (UGMA)

SAMPLE LETTER FOR OWNER NOTIFICATION

July 1, YEAR

Ray Smith (Owner Name)
4321 Right Ave.
City Name, State 98765

RE: (Description of Property)

Dear Mr. Smith:

Our records indicate that we are holding the following property due to you:

Owner Name _____ Social Security # _____ Identifying # _____ Description _____

Please complete the statement at the bottom of this letter to indicate your understanding of this property and mail to:

HOLDER NAME
CONTACT PERSON OR DEPARTMENT
HOLDER ADDRESS
CONTACT PHONE NUMBER (OPTIONAL)

You must return this letter by (DATE). If you fail to do so, we will deliver your property to the Georgia Department of Revenue, Unclaimed Property Program as required by law. After this date, any attempts to reclaim your property will need to be directed to the Georgia Department of Revenue.

Sincerely,
Unclaimed Accounts

STATEMENT

_____ This property belongs to me.

_____ This property does not belong to me.

SIGNATURE _____ DATE _____

INSTRUCTIONS FOR FORM UP-1G

The form UP-1G must accompany all holder reports

HOLDER INFORMATION:

Please type or print your report.

ITEM 1. Enter your federal employer identification number.

ITEM 2. Enter your entity name and mailing address.

ITEM 3. Enter the name of the person completing the form.

ITEM 4. Enter the telephone number for the person completing the form.

ITEM 5. Enter the e-mail address for the person completing the form.

REPORT INFORMATION:

ITEM 6A. Enter the total number of accounts \$50 or more on your owner report (Form UP-2G).

ITEM 6B. Enter the total dollar value of accounts \$50 or more listed on your owner report (Form UP-2G).

ITEM 6C. Enter the total number of accounts less than \$50. Accounts less than \$50 may be reported in a lump sum.

ITEM 6D. Enter the total dollar value of accounts less than \$50.

ITEM 6E. Enter the total dollar value of the report (6B + 6D).

NOTE: Negative reports are required. See table of contents.

VERIFICATION:

The report must be certified by a financial officer.

IF FEWER THAN 25 PROPERTIES, GO TO OWNER REPORT FORM (UP-2G) TO PROVIDE A DETAILED LISTING OF THE UNCLAIMED ACCOUNTS REFLECTED IN ITEM 6E. IF REPORTING 25 PROPERTIES OR MORE, USE NAUPA FORMATTED CD.



HOLDER REPORT FORM GOVERNMENT ENTITIES 2018

This form must accompany all holder reports

ARE YOU A 1ST TIME FILER? Y N DID YOU ATTACH A CD? Y N
 ELECTRONIC FILERS: Submit a UP-1G for each entity included on the CD. NEGATIVE BALANCE REPORTS REQUIRED.

HOLDER INFORMATION		REPORT INFORMATION	
1. FEDERAL EMPLOYER ID#	2. HOLDER (Entity Name)	6A. Total accounts \$50 or more	6B. Dollar Value \$
ADDRESS		6C. Total accounts less than \$50	6D. Dollar Value \$
CITY, STATE, ZIP CODE		6E. Report Total \$	
3. NAME OF CONTACT PERSON	4. TELEPHONE ()	5. EMAIL ADDRESS	
VERIFICATION STATEMENT			
I, _____, certify that I have caused to be prepared and have examined this report totaling \$ _____ as to property presumed abandoned under the Disposition of Unclaimed Property Act for the year ended as stated, that I am duly authorized to execute this verification by the holder and that I believe said report to be true, correct and complete as of said date to the best of my knowledge.			
Signature of Responsible Officer _____		Printed or Typed Name of Responsible Officer _____	
Title of Responsible Officer _____		Date _____	
FOR OFFICE USE ONLY			
CD	CHECK NUMBER	CHECK DATE	CHECK AMOUNT
DATE DEPOSITED	BATCH NO.	RECEIPT NO.	REPORT ID
			HOLDER NO.

INSTRUCTIONS FOR FORM UP-11NG

NEGATIVE REPORTS ARE REQUIRED!



NEGATIVE HOLDER REPORT FORM GOVERNMENT ENTITIES 2018

Negative reports are required!

ARE YOU A 1ST TIME FILER? Y N

HOLDER INFORMATION:

This form is for holders with no unclaimed property to report.

ITEM 1. Enter your federal employer identification number.

ITEM 2. Enter your business name and mailing address.

ITEM 3. If this report is being prepared by an agent on behalf of the business, enter the agent's name and address.

ITEM 4. Enter the name of the person completing the form.

ITEM 5. Enter the telephone number for the person completing the form.

ITEM 6. Enter the e-mail address for the person completing the form.

ITEM 7. Enter the date your business was incorporated or registered.

ITEM 8. Enter primary business activity.

ITEM 9. Enter number of employees.

VERIFICATION:

The report must be certified by a CFO or entity officer.

HOLDER INFORMATION		1. FEDERAL EMPLOYER ID#		2. HOLDER (Business Name)	
ADDRESS					
CITY, STATE, ZIP CODE					
3. IS THIS REPORT BEING PREPARED BY AN AGENT ON BEHALF OF THE HOLDER? Y () N () IF YES, FURNISH AGENT NAME AND ADDRESS:					
4. NAME OF CONTACT PERSON		5. TELEPHONE ()		6. EMAIL ADDRESS	
7. DATE OF ORIGIN		8. PRIMARY BUSINESS ACTIVITY		9. NUMBER OF EMPLOYEES	
REPORT INFORMATION					
INTANGIBLE PROPERTY (Outstanding Checks)					
a. Total accounts \$50 or more		0		b. Dollar Value \$ 0	
c. Total accounts less than \$50		0		d. Dollar Value \$ 0	
		a. Report Total \$ 0			
OTHER PROPERTY (Sole deposit boxes, monies, mutual funds)					
f. Number of shares of stock or mutual fund shares		0			
g. Number of safe deposit boxes/keeping items		0			
VERIFICATION STATEMENT					
I, _____, certify that I have caused to be prepared and have examined this report totaling \$ 0 as to property presumed abandoned under the Disposition of Unclaimed Property Act for the year ended as stated, that I am duly authorized to execute this verification by the holder and that I believe said report to be true, correct and complete as of said date to the best of my knowledge.					
Signature of Responsible Officer _____			Printed or Typed Name of Responsible Officer _____		
Title of Responsible Officer/Agent _____			Date _____		

INSTRUCTIONS FOR HOLDER REIMBURSEMENT FORM

Use Form UP-15, the Holder Reimbursement Form, to reclaim funds previously delivered to the State. Funds are paid directly to the holder and holder claims are normally processed within thirty days of receipt.

ABANDONED ACCOUNT INFORMATION - This section of the form requests the account information as detailed on the annual report.

ITEM 1- Enter the account name exactly as it appeared on the annual report.

ITEM 2- If there were multiple names on the account, enter the secondary account name.

ITEM 3- Enter the address as detailed on the annual report.

ITEM 4- Enter the account number as detailed on the annual report.

ITEM 5- Enter the property code as detailed on the annual report.

ITEM 6- Enter the account balance delivered to the state as detailed on the annual report.

WHO IS REQUESTING REIMBURSEMENT - The information in this section pertains to the holder requesting a reimbursement.

ITEM 7- Enter the tax identification number for the holder (government entity).

ITEM 8- Enter the name of the government entity requesting the reimbursement. It should be the same as the name listed on the annual report.

ITEM 9- Enter the mailing address for the holder. The check will be mailed to this address.

ITEM 10- Enter the year the property was reported.

ITEM 11- Enter the name of the person completing the form.

ITEM 12- Enter the page number of the annual report that provided detail of the account.

AGGREGATE VERIFICATION - Complete this section ONLY if the account was less than \$50 and submitted in a lump sum total.

ITEM 13a- Enter the report year.

ITEM 13b- Enter the total aggregate amount for the report year.

ITEM 13c- Enter the amount that is due to the owner.

ITEM 13d- Enter the owner's name.

AFFIDAVIT AND INDEMNITY AGREEMENT - This should be signed by two employees. The CFO / Financial Manager should sign in the area "Authorized Official." The person completing the form should sign in the area "Holder Representative," and provide authorization letter to claim funds, proof of account, and company photo ID.

Please note these signatures must be notarized.



HOLDER REIMBURSEMENT FORM

ABANDONED ACCOUNT INFORMATION					
1. ACCOUNT NAME					
2. SECONDARY ACCOUNT NAME (if applicable)					
3. REPORTED ADDRESS					
4. ACCOUNT NUMBER		5. PROPERTY CODE		6. ACCOUNT BALANCE REMITTED	
WHO IS REQUESTING REIMBURSEMENT					
7. TAX ID#			8. HOLDER NAME		
9. ADDRESS		10. REPORT YEAR		11. CONTACT PERSON	
				CONTACT PHONE NO.	
				12. PAGE NUMBER	
AGGREGATE VERIFICATION (complete only if account is less than \$50)					
It is hereby verified that for report year 13a. 20____ 13b. \$_____ was remitted in an aggregate amount. Of this amount, 13c. \$_____ was remitted in the name(s) of 13d. _____.					
Acceptable proof has been submitted to this holder to prove rightful ownership.					
AFFIDAVIT AND INDEMNITY AGREEMENT					
It is hereby certified that this claim is valid, just and due. This claim has not been previously paid to the holder. Request is hereby made to the Georgia Revenue Commissioner to return to the holder the above stated account that previously was paid to owner. Upon return of this property to the holder, the Georgia Department of Revenue, Undamaged Property Officers and Employees are indemnified and held harmless for any damages, claims or losses of any kind resulting from payment of this claim. The holder agrees to return the property to the Georgia Department of Revenue. Unclaimed Property Program if it is later determined that rightful ownership has been established by another party.					
SIGNATURE OF AUTHORIZED OFFICIAL			SIGNATURE OF HOLDER REPRESENTATIVE		
TITLE OF AUTHORIZED OFFICIAL			TYPED NAME OF HOLDER REPRESENTATIVE		
Sworn to and subscribed before me, this _____ day of _____					
TYPED NAME OF NOTARY PUBLIC					
SIGNATURE OF NOTARY PUBLIC					

ADDITIONAL INSTRUCTIONS AND INFORMATION

REPORT CHECKLIST - Before filing your report, have you?

- Sent owner notification letters to all owners with accounts of \$50 or more?
- Signed Form UP-1G statement verification?
- Enclosed a check for the total amount due payable to GEORGIA DEPARTMENT OF REVENUE UNCLAIMED PROPERTY PROGRAM?
- Included federal tax identification number on all pages of the report?
- Electronic filers: Included a clearly labeled CD and a hard copy of Form UP-1G?
- E-mailed a password for encrypted files to ucp.reporting@dor.ga.gov?

TO REQUEST AN EXTENSION

- Reports are due by November 1, 2018. Extensions may be granted of up to 90 days.
- Email request to ucp.reporting@dor.ga.gov at least 30 days prior to the report due date.
- Provide Company FEIN #, an estimated filing date and the reason for the extension request.

NEED MORE HELP?

Georgia's Unclaimed Property staff will be glad to answer any questions regarding unclaimed property. Please contact us at:

Georgia Department of Revenue
Unclaimed Property Program
4125 Welcome All Rd Suite 701
Atlanta, GA 30349
Telephone: (655) 329-9863
Fax Line: (404) 724-7013 Email:
ucp.reporting@dor.ga.gov

§ 15-13-3 Demand for money collected; interest from date of demand; verified copy as evidence

§ 15-13-3. Demand for money collected; interest from date of demand; verified copy as evidence

(a) If any sheriff, coroner, magistrate, constable, clerk of the superior court, or attorney at law fails, upon application, to pay to the proper person or his attorney any money he may have in his hands which he may have collected by virtue of his office, the party entitled thereto or his attorney may serve such officer with a written demand for the same. If not then paid, for such neglect or refusal the officer shall be compelled to pay interest at the rate of 20 percent per annum upon the sum he has in his hands from the date of the demand, unless good cause is shown to the contrary.

(b) A copy of the demand produced in court, verified by affidavit stating when and where the original was served upon the officer, shall be prima-facie evidence of the date and service thereof.

History Laws 1822, Cobb's 1851 Digest, p. 578; Laws 1841, Cobb's 1851 Digest, p. 579; Code 1863, §§ 3854, 3855; Code 1868, §§ 3874, 3875; Code 1873, §§ 3950, 3951; Code 1882, §§ 3950, 3951; Civil Code 1895, §§ 4771, 4772; Civil Code 1910, §§ 5343, 5344; Code 1933, §§ 24-206, 24-207; Ga. L. 1983, p. 884, § 4-1.