



UNCLAIMED PROPERTY ALERT

North Dakota Proposes Administrative Rules Impacting Unclaimed Property Reporting and Owner Claims – Article 85-03

North Dakota has proposed administrative rule changes that will have an impact on unclaimed property reporting and the owner claims process. The proposed rules include the following details with respect to the reporting process (see the proposed rules link below for guidance on owner claims):

- Provides definitions for claim, claimant, claim form, due diligence, and heir finder.
- Requires holders to report abandoned property electronically in the standard NAUPA format.
- Requires that the following information be included in the holder report, if available:
 - Owner social security number
 - Identifying account or policy number
 - Owner date of birth
 - Payee and remitter information for all cashier's checks, money orders, and traveler's checks
 - For mineral proceeds, a legal land description, well number, recording information, and any other information to adequately describe the lease.
- Due diligence letters (written or electronic) must include:
 - A deadline for owner response to the holder
 - Property type
 - Property value
 - Unclaimed property division contact information
- Requires holders of mineral proceeds to accumulate mineral proceeds and submit an annual lump sum report to the administrator by November 1 for the amount due through June 30.
- Clarifies that a holder may report property before it is deemed abandoned if the holder;

- Has been granted prior written approval by the administrator; and
- Demonstrates to the satisfaction of the administrator that due diligence has been performed.

What does this mean to you?

If the proposed rules are passed, holders will need to ensure that appropriate systems are updated to file electronically in the prescribed NAUPA file format. Although many holders may already be reporting in this manner today, it will be necessary to ensure that all the required report information is included in the electronic report, if available. Holders that report mineral proceeds will need to ensure that the proceeds are accumulated and reported on an annual basis and will need to include the well information in the report.

Holders will also need to review their due diligence letters to ensure that all of the required content is included.

[The full text of the proposed administrative rules can be found here.](#)

This article is intended for educational purposes and should not be considered legal advice. For additional questions concerning this alert, contact Dana Terry at dterry@georgeson.com or 201-539-1998.

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