



STATE OF NORTH CAROLINA
DEPARTMENT OF STATE TREASURER
UNCLAIMED PROPERTY / ESCHEATS DIVISION

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TREASURER

January 1, 2010

In accordance with North Carolina General Statute 116B-78, any person who enters into an agreement, for compensation, to locate, deliver, recover, or assist in the recovery of property that is distributable to the owner or presumed abandoned is required to register each calendar year with the North Carolina Department of State Treasurer by completing the enclosed Registration Form and submit a \$100.00 non-refundable annual registration fee by cashier's check or money order. North Carolina General Statute 74C-2 may also require such person to hold a private investigator's license.

Enclosed a copy of NCGS 116B-78 and NCGS 74C-2 & 3 which explains the requirements of finders, locators, and attorneys working with owners of unclaimed property located in or held by North Carolina.

In accordance with the guidelines established by the North Carolina Private Protective Services Board, if any person, firm, association, or corporation ("Person") that requests information about unclaimed property held by the UPP and then tries to find the individual or business to whom the property belongs and charges a fee, then a private investigator's license is needed. Per NCGS 74C-3(a)(8)(b), a private investigator's license is needed if a Person, for a fee, makes inquiries or investigations to determine the identity or whereabouts of any person. Such Person is considered by the UPP as a **Finder**.

When a Person makes inquiry to the UPP about unclaimed property being held on behalf of and/or by the request of an individual or company (the identity of the individual or company is known prior to making an inquiry to the UPP), no private investigator's license is needed because the property is not "lost" or "stolen" within the definition of GS 74C-3(a)(8)(c). Such Person is considered by the UPP as a **Locator**.

Also, in accordance with GS 74C-3(b)(4), an **Attorney** licensed to practice in North Carolina while engaged in the practice of law or their agent are not required to have a private investigator's license.

If registration is approved, you can purchase an electronic copy (CD) of our owners' files by submitting a **separate** \$80.00 cashier's check or money order. If your registration is denied and you had submitted the \$80.00 cashier's check or money order, it will be returned to you. Cashier checks or money orders should be made payable to NC Dept of State Treasurer – Escheat Fund. **Do not combine the two amounts into one payment.**

An agreement with an owner is enforceable only if the agreement is in writing, contains the notarized signature of the owner, describes the property, states the fees and costs for services, states the value of the property before and after the fee or other compensation has been deducted, and discloses that the property is being held by the NC Department of State Treasurer's Unclaimed Property Program.

Total fees and costs shall not exceed one thousand dollars (\$1,000) or twenty percent (20%) of the value of the property recovered, whichever is less. For an agreement subject to G.S 28A-22-11 by an heir, total fees and costs shall not exceed twenty percent (20%) of the value of the property recovered.

An agreement (even one meeting the conditions above) is void and unenforceable if it was entered into during the period commencing on the date the property was distributable to the owner and extending to a time that is 24 months after the date the property is paid or delivered to the Treasurer. An agreement for "pre-escheat" property is void and unenforceable.

If you have any questions about becoming a private investigator and/or need to obtain a Private Investigator License application package, please contact the Private Protective Service Office at (919) 875-3611. For other questions, you may contact our office at 919-508-1000.

§ 116B-78. Agreement to locate property.

- (a1) Agreements Covered. – An agreement by an owner is covered by this section if its primary purpose is to locate, deliver, recover, or assist in the recovery of property that is distributable to the owner or presumed abandoned.
- (a2) Void Agreements. – An agreement covered by this section is void and unenforceable if it was entered into during the period commencing on the date the property was distributable to the owner and extending to a time that is 24 months after the date the property is paid or delivered to the Treasurer. This subsection does not apply to an owner's agreement with an attorney to file a claim or special proceeding as to identified property or contest the Treasurer's denial of a claim or a clerk's denial of a petition.
- (b) Criteria for Agreements. - An agreement covered by this section is enforceable only if it meets all of the following criteria:
1. Is in writing and clearly sets forth the nature of the property and the services to be rendered.
 2. Is signed by the owner, with signature notarized.
 3. Describes the property, which includes the type of property, the property ID held by the State Treasurer, and the name of the holder.
 4. States that there may be other claims to the property that may reduce the share of the owner.
 5. States the value of the property, to the extent known, before and after the fee or other compensation has been deducted.
 6. States clearly the fees and costs for services. Total fees and cost shall be limited as follows:
 - a. For an agreement covered by this section other than one covered by G.S 28A-22-11, total fees and costs shall not exceed one thousand dollars (\$1,000) or twenty percent (20%) of the value of the property recovered, whichever is less.
 - b. For an agreement subject to G.S 28A-22-11 by an heir, unknown or known but unlocated, the primary purpose of which is to locate or recover, or assist in the recovery, of a share in a decedent's estate, or surplus funds in a special proceeding, total fees and costs shall not exceed twenty percent (20%) of the value of the property recovered.
 7. Discloses that the property is being held by the North Carolina Department of State Treasurer's Unclaimed Property Program.
- (c) Mineral Proceeds. - If an agreement covered by this section applies to mineral proceeds and the agreement contains a provision to pay compensation that includes a portion of the underlying minerals or any mineral proceeds not then presumed abandoned, the provision is void and unenforceable.
- (d) Means of Payment. – Any person who enters into an agreement covered by this section with an owner shall be allowed to receive cash property, but not tangible property or securities, on behalf of the owner but shall not be authorized to negotiate the check made payable to the owner. Tangible property shall be delivered to the owner by the Treasurer, and securities will be re-registered into the owner's name.
- (e) Other Remedies. - This section does not preclude an owner from asserting that an agreement covered by this section is invalid on grounds other than as provided in subsection (b) of this section.
- (f) Registration. - Any person who enters into an agreement covered by this section with an owner shall register each calendar year with the Treasurer. The information to be required under this subsection shall include the person's name, address, telephone number, state of incorporation or residence, as applicable, and the person's social security or federal identification number. A registration fee of one hundred dollars (\$100.00) shall be paid to the Treasurer at the time of the filing of the registration information. Fees received under this subsection shall be credited to the General Fund.
- (g) Unfair Trade Practice. – In addition to rendering an agreement void and unenforceable, a failure to comply with the provisions of this section constitutes an unfair or deceptive trade practice under G.S. 75-1.1.

§ 74C-2. Licenses required.

(a) No private person, firm, association, or corporation shall engage in, perform any services as, or in any way represent or hold itself out as engaging in a private protective services profession or activity in this State without having first complied with the provisions of this Chapter. Compliance with the licensing requirements of this Chapter shall not relieve any person, firm, association or corporation from compliance with any other licensing law.

(b) An individual in possession of a valid private protective services license or private detective trainee permit issued prior to October 1, 1989, shall not be subject to forfeiture of such license by virtue of this Chapter. Such license shall, however, remain subject to suspension, denial, or revocation in the same manner in which all other licenses issued pursuant to this Chapter are subject to suspension, denial, or revocation.

(c) In its discretion, the Private Protective Services Board may issue a trainee permit in lieu of a private investigator license provided that the applicant works under the direct supervision of a licensee.

§ 74C-3. Private protective services profession defined.

(a) As used in this Chapter, the term "private protective services profession" means and includes the following:

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(8) "Private detective" or "private investigator" are synonymous and mean any person who engages in the profession of or accepts employment to furnish, agrees to make, or makes inquiries or investigations concerning the below-listed topics on a contractual basis:

b. The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person;

c. The location, disposition, or recovery of lost or stolen property;

(b) "Private protective services" shall not include any of the following:

(4) An attorney at law licensed to practice in North Carolina while engaged in the practice of law and the attorney's agent, provided the agent is performing duties only in connection with his or her principal's practice of law.

<p>Registration Form In accordance with NCGS 116B-78(f) and 20 NCAC 08.0501 (b)</p> <p>For Calendar Year 2010</p>	<p>For Use by NCDST Only</p> <p>Registration No: _____</p> <p>Date: _____</p>
<p>Registration Request: (Must select) <input type="checkbox"/> Attorney <input type="checkbox"/> Finder <input type="checkbox"/> Locator <input type="checkbox"/> Other</p> <p>Registrant's Name and Title: _____ (Name) (Title)</p> <p>Business Name: _____</p> <p>Social Security Number or Federal Identification Number: _____</p> <p>Address: _____</p> <p>Telephone Number: _____</p> <p>If an Attorney – State Bar Number: _____ Date Issued: _____</p> <p>If a Finder - NC Private Protective License Number: _____ Date Issued: _____</p> <p>If a Locator - Drivers License Number: _____ Date Issued: _____</p> <p>If a Locator, you must state below and/or as an attachment the identity of those individuals or companies for which you are seeking property. _____</p> <p>If purpose of registration is <u>other than an Attorney, Finder, or Locator</u>, you must state below and/or as an attachment the purpose of registration. _____</p>	
<p>I certify that the information furnished herewith is true and accurate to the best of my knowledge and belief. I further certify that I have read NCGS 116B-78, 74C-2, and 74C-3(a)(8)(b)(c) and acknowledge that:</p> <ul style="list-style-type: none"> • I may not enter into a contract to locate property within 24 months of its presumed abandonment. • Agreements with owners must comply with the requirements stated in NCGS 116B-78(b). • Total fees shall be limited to 20% or \$1,000, whichever is less, unless the agreement is subject to NCGS 28A-22-11 which shall be limited to 20%. • Copies of agreements may be requested by the NC State Treasurer's Office. • All claims forms must be signed by the owner(s). • I have been informed that the Private Protective Services Board takes the position that anyone acting as a Finder must hold a private investigator's license. • The list of owners provided by the NC State Treasurer's Office shall not be disclosed to other individuals or businesses not specifically covered by this registration request. <p>Print Name: _____ Signed: _____ Date: _____</p>	

Instructions:

1. Form will not be processed unless all lines are properly completed and requested documentation is provided, including the \$100 non-refundable registration fee.
2. All registrants must include a copy of driver's license or other picture identification. If request is on behalf of a business entity, provide evidence of position and/or authority to act on behalf of the business entity. If a **Finder**, send copy of current license from the NC Private Protection Services Board.
3. The period of registration is the current calendar year or any part thereof and is void effective December 31st of each year.