

**STATE OF DELAWARE**  
**DEPARTMENT OF FINANCE**  
**DIVISION OF REVENUE**  
**BUREAU OF UNCLAIMED PROPERTY**

**ESCHEAT HANDBOOK**  
**INSTRUCTIONS FOR PREPARING**  
**UNCLAIMED PROPERTY REPORTS**



**IF YOU HAVE QUESTIONS OR PROBLEMS**

**CALL OR WRITE**

Mailing Address:

**Bureau of Unclaimed Property  
P.O. Box 8931  
Wilmington, DE 19899**

Street address for courier deliveries:

**Bureau of Unclaimed Property  
c/o Division of Revenue  
8<sup>th</sup> floor  
820 North French Street  
Wilmington, DE 19801**

Phone Number:

**302-577-8782**

Fax Number:

**302-577-7179**

## REPORTING METHODS

The State of Delaware utilizes the Unclaimed Property System (UPS 2000) licensed by ACS Wagers to collect and track unclaimed property items. UPS 2000 provides the capability to import the National Association of Unclaimed Property Administrators (NAUPA) standard electronic holder reports and also offers a free Holder Reporting System (HRS) Software package for holders to collect and report their unclaimed property in the NAUPA format on CD ROM or diskette.

Holders may download this free software and a User's Manual from the ACS Wagers website at: [www.wagers.net](http://www.wagers.net). From the main page, click on the icon "HRS Pro (Holder Reporting System)" and follow the instructions to download. It is recommended that you update this software annually for any updates prior to beginning your reporting process. For questions or additional information regarding this software, please contact ACS Wagers at (303) 413-9450.

Delaware offers two methods of filing Unclaimed Property Reports:

### **1. ELECTRONIC REPORTING - Holders are required to electronically file reports with an Owner count greater than 10.**

**AP-1: (report verification) Must be provided by all Holders regardless of which filing method is utilized.**

Consists of reports remitted on CD ROM or diskette using HRS software. The software can be downloaded for free at [www.wagers.net](http://www.wagers.net) or can be obtained by contacting the Delaware Bureau of Unclaimed Property at 302-577-8220.

Be sure to clearly label the diskette or CD ROM with the holder name, Federal EIN as well as the names of each file contained. If reporting more than one company, please assign a separate file name for each. **All electronic filings must be accompanied by the paper AP-1 form, AP-2 form and supplemental details.**

**NOTE: MAGNETIC TAPES ARE NOT ACCEPTED**

### **2. FORMS (PAPER REPORTING)**

**AP-1: (report verification) Must be provided by all Holders regardless of which filing method is utilized.**

The AP-1 must be completed and sworn to, or affirmed by the chief financial officer of the Holder. AP-2 (owner detail) is used to report owner information and other required information. Computer listings are acceptable; however you must use the approved HRS Pro software. If additional AP-2 forms are needed, you may photocopy the blank forms included with this booklet. You may also request additional forms by contacting the Bureau of Unclaimed Property.

**GENERAL INFORMATION FOR PREPARING  
ABANDONED AND UNCLAIMED PROPERTY REPORT**

**WHO MUST REPORT**

**Financial Institutions** including any bank, bank and trust company, trust company, savings bank, private bank, credit union, building and loan, and savings and loan association, must report. Both state and federally chartered institutions are required to report. (12 Del Code, Chapter 11, Section 1130)

**Life Insurance Company** includes all moneys held and owing by any life insurance company doing business in this state which shall have remained unclaimed and unpaid for five (5) years or more. (12 Del Code, Chapter 11, Section 1181)

**Corporation and other business entities** include a post office, a depository, a bailee, a trustee, a receiver or other liquidating officer, a fiduciary, a governmental department, institution or agency, a municipal corporation and the fiscal officers thereof, a public utility, service corporation and every other legal entity incorporated or created under the laws of this state or doing business in this state. (12 Del Code, Chapter 11, Section 1198,(6))

**Financial Intermediaries** The Delaware Escheats Law requires financial intermediaries to report and remit distributions for unknown owners on March 1 of each year. Section 1198 (11) defines distributions held by financial intermediaries for unknown owners as “Dividends, interest, stock and other distributions made by issuers of securities which are held by financial intermediaries (including, by the way of example and not limitation, banks, transfer agents, brokers, and other depositories) for the beneficial owners whose identities are unknown.”

**WHEN TO REPORT AND PAYMENT**

<b>HOLDER TYPE</b>	<b>PERIOD ENDING</b>	<b>REPORT DUE</b>	<b>PAYMENT DUE</b>
Corporations	12/31	3/1	3/1
Financial Institutions	6/30	11/10	11/10
Financial Intermediaries	12/31	3/1	3/1
Life Insurance Companies	12/31	12/20	12/20
Courts	12/31	4/10	4/10

Holder Reports should be mailed to: Delaware Division of Revenue, P.O. Box 8931, Wilmington, DE 19899.

## SECURITIES REGISTRATION AND REMITTANCE

Please make checks payable to **Delaware State Escheator**. Our Federal Employer Identification is 51-6000279. Delaware requests that all securities be remitted by using DTC (electronic) Transfer. The DTC Transfer and Physical instructions are listed below:

### **For DTC (Electronic) Transfer**

DTC # 954  
Agent Bank # 26017  
Reference: Dover & Co  
Acct # AUZF01927002

Two days prior to actual delivery a list of the securities including cusip numbers, the number of shares, issue names, and the delivering party's DTC participant number should be faxed to ACS Unclaimed Property Clearinghouse at 617-722-9660, Attn: Custody Department.

### **For Physical Stock Certificates**

To remit physical stock certificates, please register the stock in the following name:

Dover & Co.  
EIN: 43-2016158  
820 North French Street  
Wilmington, DE 19801

Please include all physical stock certificates with your Form AP-1.

### **For Mutual Funds**

MAC & CO  
EIN: 25-1536944  
A/C # AUZF01927002  
FBO State of Delaware  
Mutual Funds Operation  
PO Box 3198  
Pittsburgh, PA 15230-3198

When funds are transferred to MAC & CO,  
please set up the account so that interested  
party statements are sent to:  
Delaware State Escheator  
PO Box 8931  
Wilmington, DE 19801-8931

Two days prior to actual delivery a list of the securities including cusip numbers, the number of shares and issue names should be faxed to Delaware State Escheator, 302-577-7179 Attn: Custody Department or to ACS Unclaimed Property Clearinghouse at 617-722-9660, Attn: Custody Department.

## WHAT TO REPORT

*Senate Bill No. 334 changed the dormancy period for unclaimed investment type properties from five (5) years to three (3) years effective July 1, 2008.* Investment type property includes stocks, bonds, and securities including fractional shares, interest, dividends, cash, coupon interest, liquidation value of stocks and bonds, funds to redeem stocks and bonds, and distributions held by financial intermediaries. This dormancy period change affects all Security NAUPA codes SC 01-SC99.

Any other non-securities debt or obligation which has gone unclaimed or undelivered that has remained undelivered for five (5) or more years after the date the owner should have received it or was entitled to claim it must be reported. Include all property that has gone unclaimed for five (5) or more years as of the preceding December 31, for all holders except Financial Institutions. Financial Institutions include all property that has gone unclaimed for five (5) years or more as of the preceding June 30.

Holders also must report and deliver all underlying share certificates where the owner for five (3) years has failed to cash a dividend or correspond in writing regarding the property.

Unclaimed property should be reported to the State of Delaware pursuant to the U.S. Supreme case Texas v New Jersey, 379 U.S. 674 (65). On March 30, 1993 the United State Supreme Court ruled in the case of Delaware v New York, 113 s.ct. 1550 (93) that the primary and backup rules set forth in Texas v New Jersey **still stand and remain unchanged. Pursuant to Texas v New Jersey unclaimed property will be reported to the state of the lost owner's last known address.** If the owner's address is **unknown** or is in a **foreign country**, the unclaimed property is **reported to the state of incorporation** of the Holder of the unclaimed property. For those lost owners with a last known address that is in a state which does not have an applicable statute for the type of property being reported, the unclaimed property is reported to the state of incorporation of the Holder.

### **REMINDER:**

**Pursuant to the primary rule as set forth in Texas v New Jersey, the Delaware State Escheator will not accept property where the last known address of the owner is in another state. Please contact this office if you have any questions concerning this matter.**

**NOTICES TO OWNERS & ADVERTISING REQUIREMENTS**

There is no provision under the Delaware Escheat Law for due diligence. Holders are encouraged to make reasonable efforts to locate owners when an account first becomes inactive or a check remains un-cashed.

Financial institutions, courts, and life insurance companies are required by statute to publish the name and last know address of lost owners. Please refer to the following chart for publication information:

TYPE OF HOLDER	PUBLICATION DATE	COUNTY	PAPER TYPE	TIMES PUBLISHED	INQUIRY CUT-OFF
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FINANCIAL INSTITUTIONS	BY 9/1	NEW CASTLE	DAILY	TWICE	10/31
		KENT	WEEKLY	ONCE	10/31
		SUSSEX	WEEKLY	ONCE	10/31

COURTS	BY 2/1	NEW CASTLE	DAILY	ONCE	3/31
		KENT	WEEKLY	ONCE	3/31
		SUSSEX	WEEKLY	ONCE	3/31

LIFE INSURANCE	BY 9/1	NEW CASTLE	DAILY	TWICE	12/1
		KENT	WEEKLY	ONCE	12/1
		SUSSEX	WEEKLY	ONCE	12/1

The expense incurred for the advertisement is deducted from the remittance due. Please attach an affidavit from the newspaper attesting to the placement and cost of the advertisement to your final report. In circumstances where the expense of the advertisement exceeds 50% of the reported value, a publication waiver may be requested by submitting a waiver request form which can be found at: <http://revenue.delaware.gov/information/waiver.pdf> .

## **OTHER INFORMATION**

### **Reciprocal Agreements**

At present the State of Delaware has no reciprocal agreements with any other jurisdiction. Holders must report property directly to the State of Delaware.

### **Negative Reports**

Required for financial institutions only.

### **Aggregate Amounts**

For refund efficiency, it is recommended that aggregate amounts be provided for Unknown Owners only. Details should be provided for all others.

### **Claims and Owner Inquiries**

All owner inquiries must be in writing. Submit written inquiries to:

**Delaware State Escheator  
820 N. French St. P.O. Box 8931  
Wilmington, DE 19899**

After receiving a claim form from our claims processing unit claimants may contact the unit at:

**302-577-8782**

**INSTRUCTIONS FOR COMPLETING  
THE VERIFICATION AND CHECKLIST FORM AP-1  
REPORT OF UNCLAIMED OR ABANDONED PROPERTY**

**Verification for period ended:**

This is the cut-off date for reviewing your records. Enter the report year.

**Type of Report:**

Please indicate if you are filing a preliminary, final or supplemental report, by checking the appropriate box. For final reports, please indicate the date you filed your preliminary report. For supplemental reports, please indicate the date of your previously filed report.

**Holder Information:**

- Federal Employer Identification Number (EIN): enter the nine digit tax ID number assigned to you by the federal government. **This line must be completed.**
- Holder's Name and Address: Complete the name and address lines with your company name and mailing address. Do not forget to include the department names if they are an important part of your address. **The holder name and address lines must be completed and include the street address, city, state, and zip code.**
- State of Incorporation: Corporations should enter the state in which they were incorporated. Savings and loan associations, banks, and credit unions should enter the state in which they were chartered.
- Date of Incorporation/Charter Date: Corporations should enter the date on which they were incorporated. Savings and loan associations, banks, credit unions should enter the date their organization was chartered.
- Primary NAICS Code: Please enter your Standard Industrial Classification code, as provided by the Internal Revenue Service. (usually this information can be found on your Federal Corporate Income Tax return)
- Contact person for reporting: List the name, address, phone number, and fax number of the person who completed your report. This is the person the Delaware State Escheator will contact if there are questions or problems with your report. This is also the person to whom we will mail future reporting information.
- Successor Corporations and Name Changes: Please indicate if the present holder is a successor corporation. If you have answered yes, please attach a listing of previous corporate names and dates of acquisition. If your corporation has changed names in the past year, please indicate the previous name, federal ID, and date of name change.

## Report Recapitulation:

- Owner Count: please indicate the total number of owners AND properties remitted on your checklist and form AP-2. (Owner count is defined as the aggregate number of property owners; Property count is defined as the total number of individual property items being remitted. Example: Property owned jointly would have two owners, but count as only one piece of property)
- Cash Amount: total amount of cash from your checklist and form AP-2.
- Number of shares: total number of shares from your checklist and form AP-2.

\* If you are filing a final or supplemental report, please indicate the Item Count, Cash Amount and Number of shares filed with your previous report. Document all additions and/or deletions to these original figures in the space provided on the AP-1 form. The Grand Total Columns on the AP-1 form represent the net Items, Cash and Share figures being reported. When filing the final report, the names of owners listed on the preliminary report who have since been reimbursed should not be listed as “zero” dollar properties on the final AP2 report.

- Advertising Expenses: bank and life insurance companies must indicate the total expenses for advertising being deducted from the cash amount indicated in the grand total. **All other Holders should leave this line blank.**
- Remittance Amount and Shares: please indicate the total cash and share amount being remitted to the Delaware State Escheator with this report.

## Verification:

Verification if made by a partnership shall be executed by a partner. If made by an unincorporated association or private corporation, by an officer. If made by a public corporation, by its chief fiscal officer. All signatures must be notarized.

## Form AP-1 Checklist:

Please complete the checklist by indicating the total number of owners and cash/share amount for each property type you are reporting.

**INSTRUCTIONS FOR COMPLETING REPORT OF  
UNCLAIMED OR ABANDONED PROPERTY  
DETAIL SHEET FORM AP-2**

**Column Entries:**

Items of unclaimed property must be identified and grouped by the categories described on the Verification and Checklist form (AP-1), titled by category of property with corresponding and separate pages used for each type of property in alphabetical or numerical sequence by account number. Each page should be totaled and each property type should have its own separate total.

**Type of Property:**

List category of property to be itemized on the AP-2 form. Please make copies of this page so that each page represents only one category of property.

**Account Number Property ID#:**

List the owners account number or other identifying number of each item (i.e.: check number, certificate number, account number, etc.). **For refund efficiency, it is recommended that aggregate amounts be provided for Unknown Owners only Details should be provided for all other Owners no matter what the dollar value.**

**Social Security or Federal ID Number:**

Enter the owners social security number/ federal ID number in this area.

**Owner's Information:**

- List last name, full first name, and middle initial, if available. List all information which would help with identification, such as Jr., Sr.. **Do not include titles such as Mr., Mrs., Ms., etc.**
- Corporate titles should be entered exactly as adopted, except the word "the" should be deleted when it is the first word of the title.
- List the complete address, including zip code. If the address is unknown, insert "address unknown" in first line of address information.
- If a single item has two or more owners, the names and addresses of both must be shown, along with the relationship (e.g. "Trustee", "Or", "And", etc.)
- If the owners have the same address, the address may be entered once beneath the names.

**Date of Last Contact:**

This is the date of the last deposit or withdrawal made by the owner. The date of last contact can also be for example, the date the dividend became payable, the date a note became payable, the date a check or draft was issued, the date a gift certificate was purchased, etc. If payable on demand, the date the instrument was issued should be used. The date of computer conversion shall not be used as the date of last contact.

**Amount Due Owner:**

The total value due owner is the amount of cash due the owner of the item, including all interest earned on deposits and without the deduction of any service charges, withholding, escheats fees and/or charges.

**Shares Due Owner:**

The number of shares due the owner should be listed.

**Value of Shares Due Owner:**

Enter the dollar value at time of escheat of the shares reported in the previous column.

**Total This Page:**

Total each column and enter the sum for each column.

**Total This Property Type:**

This is the total for all owners under a given property type. Total each page for the property type and enter the sum for each column. The total number of owners cash amount due owners and number of shares due owner should then be entered on the applicable line on the AP-1 Checklist.

**Note:**

**The value of shares due owner should not be entered on the AP-1 Checklist.**

**Notes on Submitting Final or Supplemental Reports**

- A. The Final Report should contain only the name of those owners whose property is being remitted to the State.
- B. If applicable, the Final Report must contain a listing of those owners that have been deleted from the preliminary report.
- C. The Supplemental reports should contain only the additional names of those owners not supplied in the original Final Report, and again should represent the property being remitted to the State.