

38-2-3.2 Sale of unclaimed personal property.

- (1) Any garments, clothing, shoes, wearing apparel or household goods, remaining in the possession of a person, on which cleaning, pressing, glazing, laundry or washing or repair work has been done or upon which alterations or repairs have been made or on which materials or supplies have been used or furnished by said person holding possession thereof, for a period of 90 days or more after the completion of such services or labors, may be sold by said person holding possession, to pay the unpaid reasonable or agreed charges therefor and the costs of notifying the owner or owners as hereinafter provided. However, the person to whom such charges are payable and owing shall first notify the owner or owners of such property of the time and place of such sale; and provided further, that property that is to be placed in storage after any of the services or labors mentioned herein shall not be affected by the provisions of this Subsection (1).
- (2) All garments, clothing, shoes, wearing apparel on which any of these services or labors mentioned in Subsection (1) have been performed and then placed in storage by agreement, and remaining in the possession of a person without the reasonable or agreed charges having been paid for a period of 12 months may be sold to pay such charges and costs of notifying the owner or owners as hereinafter provided. However, the person to whom the charges are payable and owing shall first notify the owner or owners of such property of the time and the place of sale, and provided, further, that persons operating as warehouses or warehousemen shall not be affected by this Subsection (2).
- (3)
 - (a)
 - (i) The mailing of a properly stamped and registered letter, with a return address marked thereon, addressed to the owner or owners of the property, at their address given at the time of delivery of the property to such person to render any of the services or labors set out in this article, or if no address was so given, at their address if otherwise known, stating the time and place of sale, shall constitute notice as required in this section.
 - (ii) The notice required in Subsection (3)(a)(i) shall be mailed at least 20 days before the date of sale.
 - (iii) The cost of mailing the letter required under Subsection (3)(a)(i) shall be added to the charges.
 - (b)
 - (i) If no address was given at the time of delivery of the property, or if the address of the owner or owners is not otherwise known, such person who has performed the services or labors as aforesaid shall cause to be published a notice of the time and place of sale:
 - (A) at least once in a daily or weekly newspaper in the city, town, and county, wherein such property was delivered to such person at least 20 days before the date of sale; and
 - (B) in accordance with Section 45-1-101 for at least 20 days before the date of sale.
 - (ii) Such notice constitutes notice as required in this section if notice cannot be mailed as provided in Subsection (3)(b)(i).
 - (iii) The costs of one such publication shall be added to the charges.
- (4)
 - (a) The person to whom the charges are payable and owing shall from the proceeds of the sale, deduct the charges due plus the costs of notifying the owner or owners and shall immediately thereafter mail to the owner or owners thereof at their address, if known, a notice of the holding of such sale and the amount of the overplus, if any, due the owner or owners. At any time within 12 months after such notice, such person shall, upon demand by the owner or owners, pay to the owner or owners such overplus in his hands.

- (b) If no such demand is made within such 12-month period, or, if the address of the owner or owners is unknown and no demand is made by the owner or owners within 12 months after the date of sale, then such overplus shall become the property of a person who has performed the services or labors as provided in Subsection (1).
- (5) Each person taking advantage of this section must keep posted in a prominent place in his receiving office or offices at all times two notices which shall read as follows:
 - "All articles, cleaned, pressed, glazed, laundered, washed, altered, or repaired, and not called for in 90 days will be sold to pay charges."
 - "All articles stored by agreement and charges not having been paid for 12 months will be sold to pay charges."
- (6) The rights and benefits provided for in this section shall be and are in addition to the rights and benefits provided for in Section 38-2-4.

Amended by Chapter 388, 2009 General Session