

CHAPTER 7
MUSEUM PROPERTY

221—7.1(305B) Purpose. The procedure for disposition of property held by museums within the state is implemented as provided by Iowa Code chapter 305B.

221—7.2(305B) Forms. Effective July 1, 1991, the following forms are provided pursuant to Iowa Code chapter 305B:

1. Notice of injury to or loss of property on loan;
2. Notice of conservation of loaned property;
3. Notice of intent to terminate a loan; and
4. Notice of intent to preserve an interest in property on loan.

Copies of the forms may be obtained from the Director, Department of Cultural Affairs, Capitol Complex, Des Moines, Iowa 50319; (515)281-6078. Inquiries may be addressed to the same location.

221—7.3(305B) Title to undocumented property. A museum may acquire title to undocumented property held for seven years or longer if no valid claim or contact is made by any person in accordance with Iowa Code sections 303B.7 and 303B.9 and 221—7.2(305B), Iowa Administrative Code. A museum may declare acquisition of legal title to undocumented property following the museum's completion of all notifications specified in Iowa Code sections 305B.3 to 305B.6, 305B.8 and 305B.9. The notification shall consist of a written notice to the last known contact, if a contact is known; posting of a notice of the proposed action in a publicly accessible place in the institution, and publication of a legal notice in a newspaper of record in the state with a 30-day waiting period. This notification must contain substantially the following information as provided by Iowa Code section 303B.9(3): "The records of (name of museum) fail to indicate the owner of record of certain property in its possession. The museum intends to acquire title to the below described property: (general description of the property). If you claim ownership or other legal interest in this property you must contact the institution, establish your ownership of the property pursuant to Iowa Code section 305B.8 and make arrangements to collect the property. If you fail to do so promptly, you will be considered to have waived any claim you may have had to the property."

221—7.4(305B) Museum and lender obligations. In order to take title pursuant to this chapter, a museum and a lender must comply with the provisions of Iowa Code sections 305B.10 to 305B.12.

FORM 1

NOTICE OF INJURY TO OR LOSS OF PROPERTY ON LOAN

Museum/Institution _____
Contact Person _____
Address _____
Phone _____ Date of Notice _____

Lender/Claimant _____
Address (last known) _____
Phone _____

In accordance with Iowa Code chapter 305B, the Museum Property Act, the above named institution hereby officially informs you of injury to or loss of the property on loan that is identified and described below.

Description of Property _____

Institutional Identification of Loan _____
Original Date of Loan _____ Term of Loan _____
Condition of Property at Time Loan was Initiated _____

Description and Cause of Damage _____

Action by Institution _____

Date of Action _____
Signed for the Institution _____
Type/print name and title _____
Address _____
Phone _____
Date _____

TO BE COMPLETED BY THE LENDER OR CLAIMANT: I acknowledge receipt of the "Notice of Injury or Loss of Property on Loan" for the property identified above.

Signature _____
Type/print name _____
Address _____
Phone _____

RETURN TO INSTITUTIONAL CONTACT PERSON LISTED ABOVE.

Date completed form received by Museum _____
Signature of person receiving returned form _____

FORM 2

NOTICE TO CONSERVE LOANED PROPERTY

Museum/Institution _____
 Contact Person _____
 Address _____
 Phone _____ Date of Notice _____

Lender/Claimant _____
 Address _____
 Phone _____

In accordance with Iowa Code chapter 305B the above named institution hereby officially informs you of conservation activity that shall be undertaken on the property on loan that is identified and described below.

Description of property _____

Institutional Identification of Loan _____
 Original Date of Loan _____
 Condition of Property at Time Loan was Initiated _____

Conservation Action to be taken by the Institution _____

Date of Action _____
 Signed for the Institution _____
 Type/Print Name and Title _____
 Address _____
 Phone _____
 Date _____

TO BE COMPLETED BY THE LENDER OR CLAIMANT: I acknowledge receipt of the "Notice to Conserve Loaned Property" for the property identified above.

Signature _____
 Type/Print Name _____
 Address _____
 Phone _____

RETURN TO INSTITUTIONAL CONTACT PERSON LISTED ABOVE.

Date completed form received by Museum _____
 Signature of person receiving return form _____

FORM 3

NOTICE OF INTENT TO TERMINATE A LOAN

Museum/Institution _____
 Contact Person _____
 Address _____
 Phone _____ Date of Notice _____

Lender/Claimant _____
 Address (last known) _____
 Phone _____

Museum Registration/Identification No(s) of Loan(s) _____

Original Date of Loan _____

Terms of Loan _____

Description of Property _____

The records of _____ (Museum name) indicate that you currently have the above property on loan to it. The institution wishes to terminate the loan. You must contact the institution, establish your ownership of the property pursuant to section 305B.8, and make arrangements to collect the property. If you fail to do so promptly, you will be considered to have donated the property to the institution. You must complete and return the enclosed "Notice of Intent to Preserve an Interest in Property on Loan" within one year from the date of this notice, and make arrangements to collect the property within that time period, or your interests will automatically be terminated, and this institution will acquire title to the property, according to the provisions of Iowa Code chapter 305B.

For the institution _____ Date _____
 Signature _____
 Address _____

ATTACHED: Notice of Intent to Preserve an Interest in Property on Loan.

FORM 4

NOTICE OF INTENT TO PRESERVE AN INTEREST IN PROPERTY ON LOAN

TO LENDER OR CLAIMANT - Iowa Code chapter 305B requires you to notify this institution promptly in writing of any change of address or ownership of property on loan to a museum. If the museum is unable to contact you regarding your loan, you may lose rights to loaned property. If you want to maintain your rights to the property identified below, complete and return this form. If you do not return this notice of intent within one year from the date of the notice, your interests automatically will be terminated; the museum will acquire title to the property.

Museum/Institution _____
Contact Person _____
Address _____
Phone _____ Date of Notice _____

Lender/Claimant _____
Address (last known) _____
Phone _____

Museum Registration/Identification No(s) of Loan _____

Description of Property (Attach an accurate, legible copy of the loan receipt, any materials documenting the loan, or provide a detailed description of the claimed property, including its general characteristics, identification number(s), and distinguishing characteristics.)

Original Date of Loan _____
Terms of Loan _____

Interest in Property (If you are not the original lender, describe the origin and nature of your interest in the property. Attach copies of documents supporting your interest sufficient to establish ownership of the property.)

TO THE INSTITUTION — I hereby notify the above named institution that I claim an interest in the property described in the Notice of the Intent to Terminate a Loan (Form 3).

I understand that I must make arrangements with the institution to retrieve said property within one year of the date of this notice or title to the property shall revert to the institution.

I understand that I must promptly notify the institution in writing of any changes in address or ownership of the property.

I declare under penalty of perjury that to the best of my knowledge that the information contained in this notice is true.

Signed _____ Date _____
Claimant

OR

I declare under penalty of perjury that I am authorized to act on behalf of the claimant. I am informed and believe the information contained in this notice to be true.

Signed _____ Date _____
Claimant's representative

Please Type/Print

Name of claimant _____
Address _____
Phone _____

Name of claimant's representative _____
Address _____
Phone _____

----- Institutional Use -----

Notice Received by _____
Date Received _____
Receipt Returned by _____
Date Returned _____

These rules are intended to implement Iowa Code section 303.1 and chapter 305B.
[Filed 5/12/89, Notice 4/5/89—published 5/31/89, effective 7/5/89]
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