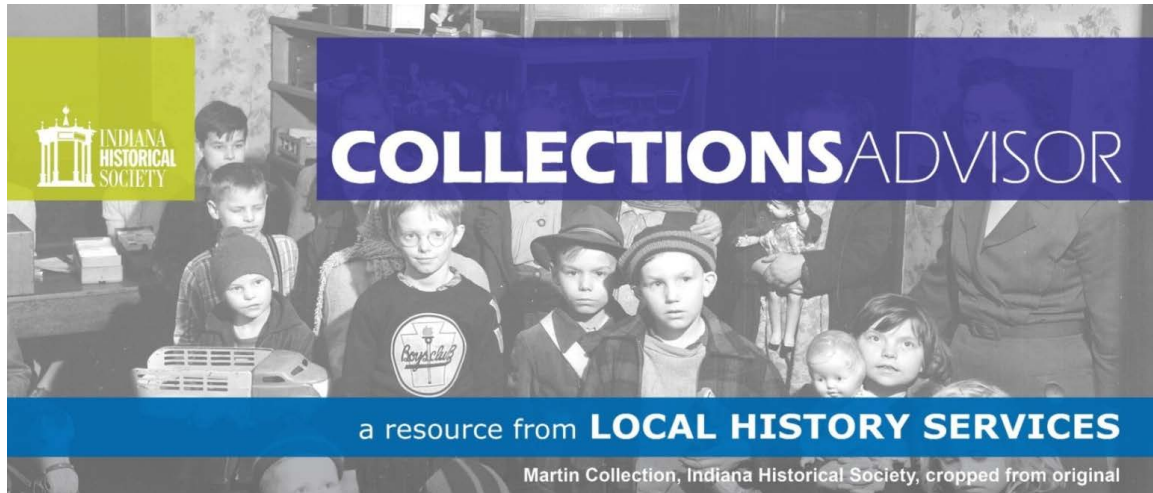




Connecting to Collections project.



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## Implementing Indiana's Museum Property Law

by Karen Butler-Clary, registrar, [The History Center](#) (Allen County-Fort Wayne Historical Society)

More than 100 years of actively collecting objects unfortunately also brings a century's worth of spotty records that can make it difficult to determine clear ownership of certain objects. As professional standards and laws have evolved, this has become a common problem for museums and historical societies everywhere. No organization should allocate funds, staff time and physical space caring for someone else's personal property, and yet virtually all of us have found ourselves in this situation.

Indiana's Museum Property Law ([IC 32-34-5](#)) can help museums and historical societies gain ownership of lingering loans, undocumented property and abandoned property in our collections. Several years ago staff completed an inventory of our collection that identified a large problem with undocumented property. As time allowed, staff compiled a list noting every piece of known undocumented property, including accessioned and non-accessioned objects within the collection. We formed a committee from our board of directors that included legal professionals who could guide us and ensure the law was being properly followed while we set out to gain ownership of more than 5,000 undocumented artifacts.

Whether it is a few objects or a few thousand, it is possible to use [Indiana's Museum Property Law](#) to obtain clear title to your collections. Since the process takes several years to complete, start the process as soon as you can in order to reduce the resources lost storing property that you do not own.

### Implementation

- If needed, inventory the collection to identify undocumented property, "permanent" loans and abandoned loans.

- Undocumented property must be recorded as such for seven years.
- If a lender's name and address are known, send certified letters in accordance with IC 32-34-5 for any "permanent" or abandoned loans.
  - Make sure you receive and keep a copy of the delivery confirmation.
  - Wait one year to obtain title if donor does not respond.
- If the certified letter is returned, keep a copy of the delivery failure receipt.
  - Publish loan in a newspaper of general circulation in the museum's home county and the county of the lender's last known address in accordance with IC 32-34-5.
  - Wait one year to obtain title if donor does not respond.
- Publish a list of undocumented property in accordance with IC 32-34-5.
  - Keep copies of all publications.
  - Wait three years to obtain title if no one contests ownership.
- While you wait, determine plans for the undocumented and abandoned objects once ownership is established (Accession or disposal? What will the method of disposal be for each object?).

### Preventing Future Problems

- Make sure you have the proper forms: deed of gift, found property form, loan form and temporary custody receipt.
- Leave copies of your found property form with reception staff so any doorstep donations can be immediately documented. Ownership can be established after 90 days of documenting abandoned property.
- Leave copies of your deed of gift and temporary custody receipt with reception staff as well. If someone insists on leaving a donation, a *signed* form can still be obtained.
- Never accept materials without a deed of gift or temporary custody receipt *signed by the donor or potential donor* stating the transfer of ownership or a loan form *signed by the lender* stating the organization maintains the right to dispose of the property if the loan is not picked up or cannot be received by an agreed upon date.

The author of this article is not a lawyer, nor does she play one on TV. This article should not be considered qualified legal advice. Please consult an attorney if legal guidance is desired.

### Resources

- [Indiana Code 32-34-5](#)
- [Museogram No. 8: Indiana's Museum Property Law](#)
- [Sample deeds of gift, loan forms, and collections policies](#)
- [Sample temporary custody receipt](#)
- [A Legal Primer on Managing Museum Collections by Marie C. Malaro, available in the Lending Resource Center of the Indiana Historical Society](#)



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