

Chapter 98

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RIGHTS AND DUTIES OF FINDERS

98.010 Duties of finders of money or goods. (1) If any person finds money or goods valued at \$5 or more, and if the owner thereof is unknown, such person shall, within five days after finding the money or goods, give notice of the finding in writing to the county clerk of the county in which the property was found. He shall also, within such five days, cause a notice thereof to be posted in two public places in the county.

(2) Every finder of lost goods valued at \$15 or more shall, in addition to the requirements of subsection (1) of this section, cause notice of the finding to be published in a newspaper published in the county where the goods were found, within 15 days after the finding. If no newspaper is published in that county, notice of the finding shall be posted in three of the most public places in the county. If no person appears to claim the goods who may be entitled thereto, the finder shall, within two months after finding such goods and before injuring the goods procure an appraisal thereof by a justice of the peace of his county, which appraisal shall be certified to by the justice, and filed in the office of the county clerk of such county.

98.020 Rights of owner. If the owner of lost money or goods appears within one year after notice is given to the clerk as provided in ORS 98.010, and establishes his right thereto, he shall have restitution of the lost property or its value upon paying all the costs and charges thereon, including a reasonable compensation to the finder for his trouble.

98.030 Finder's obligation to county if owner does not appear. If no owner appears within one year as provided in ORS 98.020, the finder shall pay one-half the value of the lost money or goods, after deducting all legal charges, to the treasurer of the county where the property was found. If the finder neglects to pay the same on demand, after the expiration of such time, the same may be sued for and recovered by the treasurer in the name of the county.

98.040 Liability of noncomplying finder. If any finder of lost money or goods valued at \$5 or upwards fails to comply with the provisions of ORS 98.010 and 98.030, he shall be liable for the full value of the money or goods; one-half to the use of the county, and the other half to the person who sues

for the same. The finder shall also be responsible to the owner for the lost money or goods.

98.050 to 98.100 [Reserved for expansion]

DISPOSAL OF CONSIGNED OR BAILED PROPERTY THAT IS UNCLAIMED

98.110 Record to be kept by consignee or bailee of property. When personal property is consigned to or deposited with any forwarding merchant, wharf, warehouse, tavern keeper or the keeper of any depot for the reception and storage of trucks, baggage, merchandise or other personal property, the consignee or bailee shall immediately cause to be entered in a book kept by him a description of such property, with the date of its reception.

98.120 Notice to owner of receipt of property by consignee or bailee. If personal property left with a consignee or bailee referred to in ORS 98.110 was not left for the purpose of being forwarded or disposed of according to directions received by the consignee or bailee at or before the time of its reception, and if the name and residence of the owner of the property is known to the person having the property in his possession, he shall immediately notify the owner, by letter directed to him and deposited in the postoffice, of the reception of such property.

98.130 Right of custodian to sell property. If personal property deposited with a consignee or bailee as mentioned in ORS 98.110 or 98.120 is not claimed and taken away within one year after the time it was received, the person having possession thereof may at any time thereafter proceed to sell the property in the manner provided in ORS 98.140 to 98.240.

98.140 Notice of sale. Before property shall be sold pursuant to ORS 98.130, at least 60 days' notice of sale shall be given the owner of the property, if his name and residence are known, either personally or by mail, or by leaving a notice at his residence or place of doing business, or, if the name and residence of the owner is not known, a notice shall be published containing a description of the property for six weeks successively in a newspaper published in the county where the property was deposited. If there is no newspaper published in that county, then the notice shall be pub-

lished in a newspaper nearest thereto in the state. The last publication of the notice shall be at least 18 days prior to the time of sale.

98.150 Affidavit by custodian when no response to notice. If the owner or person entitled to the property to be sold pursuant to ORS 98.130 shall not take it away and pay the charges thereon after 60 days' notice is given, the person having possession thereof, his agent or attorney shall deliver to a justice of the peace of the county where the property was received an affidavit setting forth a description of the property remaining unclaimed, the time of its reception, the publication of the notice, and whether the owner of the property is known or unknown.

98.160 Inventory and order to sell. Upon the delivery to him of the affidavit as provided in ORS 98.150, the justice shall cause the property to be examined in his presence, and a true inventory thereof to be made. He shall annex to such inventory an order under his hand that the property therein described be sold at public auction by any constable of the constable district where the property is located.

98.170 Sale by constable. The constable receiving the inventory and order provided for in ORS 98.160 shall give 10 days' notice of the sale by posting written notices thereof in three or more places in such constable district, and sell the property at public auction to the highest bidder in the same manner as provided by law for sales under execution from justices' courts.

98.180 Delivery of proceeds to justice. Upon completing the sale provided for in ORS 98.170, the constable making the sale shall indorse upon the order provided for in ORS 98.160 a return of his proceedings. He shall deliver the order to the justice, together with the inventory and the proceeds of sale, after deducting his fees.

98.190 Disposal of proceeds by justice. From the proceeds of the sale provided for in ORS 98.170, the justice shall pay all legal charges that have been incurred in relation to the property, or a ratable proportion of each charge if the proceeds of the sale are not sufficient to pay all the charges; and the balance, if there is any, he shall immediately pay over to the treasurer of the county in which the property was sold, and deliver a statement therewith containing a description of the property sold, the gross amount of

the sale, and the costs, charges and expenses paid to each person.

98.200 Procedure by county treasurer. The county treasurer shall make an entry of the amount received by him and the time when received, and shall file in his office the statement delivered to him by the justice pursuant to ORS 98.190.

98.210 Payment to person proving ownership. If the owner of the property sold, or his legal representative, at any time within five years after the money is deposited in the county treasury pursuant to ORS 98.190, furnishes satisfactory evidence to the treasurer of his ownership of the property, he shall be entitled to receive from the treasurer the amount deposited with him.

98.220 Escheat when property not claimed by owner. If the money is not claimed by the owner of the property sold or his legal representative within five years after it is received by the treasurer as provided in ORS 98.190, the money shall belong to the county, and may be disposed of as the county court may direct.

98.230 Sale of perishable property. Perishable property consigned or left as mentioned in ORS 98.110, if not reclaimed within 30 days after it was left, may be sold by giving 10 days' notice thereof. The sale shall be conducted and the proceeds of the sale shall be applied as provided in ORS 98.170 to ORS 98.220. Any property in a state of decay or manifestly liable to immediately become decayed, may, after inspection, be summarily sold by order of a justice of the peace, as provided in ORS 98.160.

98.240 Fees allowed to justice of peace and constable. A justice of the peace shall receive \$3 for each day's service rendered pursuant to ORS 98.160 to 98.230; and a constable shall receive the same fees as are allowed by law for sales upon an execution, and 10 cents a folio for making an inventory of property.

98.250 to 98.300 [Reserved for expansion]

HANDLING OF ABANDONED PROPERTY

98.310 Definitions. When used in ORS 98.310 to 98.440:

(1) "Custodian" means and includes any state and national bank, federal and state

savings and loan companies and associations, state and federal credit unions or other business enterprises within this state holding or handling property for others.

(2) "Claim" means to demand payment or surrender of property from the person whose duty it is to pay the claimant, or surrender of property from the person whose duty it is to pay the claimant, or surrender to him the property involved.

(3) "Board" means the State Land Board.

(4) "Property" means any property, tangible or intangible, having any monetary value.

(5) "Owner" means any individual, firm, corporation or unincorporated association owning or entitled to possession of property, whether such ownership is legal or equitable.

98.320 Deposits presumed abandoned.

(1) Deposit accounts made with any custodian payable on demand are presumed to be abandoned on July 1 of any year when the owner has not within seven successive years prior to that date:

(a) Negotiated in writing with the custodian in respect to the deposit; or

(b) Increased or decreased the amount of the deposit.

(2) Deposit accounts made with any custodian payable other than on demand and the interest thereon are presumed to be abandoned on July 1 of any year when the owner has not within seven successive years prior to that date:

(a) Negotiated in writing with the custodian in respect to the deposit;

(b) Been credited with interest on the passbook or certificate of deposit on his request;

(c) Had a transfer, disposition of interest, or other transaction noted of record in the books or records of the custodian; or

(d) Increased or decreased the amount of the deposit.

98.330 Property presumed abandoned.

Property is presumed to be abandoned when:

(1) The owner of property removed from a safe deposit box forcibly opened by the custodian for nonpayment of rent, or the owner of property contained in any sealed envelope or package forcibly opened by the custodian for nonpayment of charges for custody, has not, within seven successive years next succeeding the date of forcible

entry or opening, taken possession of the property or made other arrangements with the custodian with respect to the property.

(2) The charges for the safekeeping or storage of any property are delinquent and the custodian has not had any transactions with the owner with respect to the property or any interest or dividends thereon for 10 successive years next preceding July 1 of any year.

(3) The owner of property placed in escrow with any custodian as escrow agent has not within 10 successive years from the expiration date of the escrow as set forth in the escrow agreement, or within 10 successive years from the date of the escrow agreement if no expiration date is set forth therein, taken such action as is necessary to reacquire possession of the property.

(4) A custodian or other person holding property for immediate distribution to two or more distributees of the same class has not, within seven successive years next preceding July 1 of any year, made distribution to any distributee resulting from the inability of the custodian or other person to ascertain, with reasonable diligence, the whereabouts of the distributees.

(5) The owner of any property, other than property provided for in subsection (1) to (4) of this section, has not, within seven years next preceding July 1 of any year, made a demand for the property upon the person in possession thereof.

98.340 Annual report by custodian. (1)

All custodians shall report annually to the board as of July 1, all property held by them declared by ORS 98.320 and 98.330 to be presumed abandoned. The report shall be filed in the office of the board on or before September 1 of each year for the preceding July 1, and shall give the name of the owner, his last known address, the amount and kind of property, and such other information as the board may require. In listing the contents of a safe deposit box, all the contents, including items without monetary value, shall be included in the report.

(2) The custodian shall give notice of the report to the owner of the property at his last known address by mail with postage prepaid at least 30 days prior to filing the report and shall file an affidavit with the report stating that the owner of the property has been so notified.

(3) The report shall be made in duplicate. The original shall be retained by the

board and the copy shall be mailed to the sheriff of the county where the property is located.

98.350 Publication of report. The sheriff shall post the copy of the report on the courthouse door or the courthouse bulletin board, and also publish the copy in at least two issues of a newspaper published in the county seat or, if no newspaper is published in the county seat, then in a newspaper of general circulation in the county. The list of contents shall be published within 30 days of its receipt by the sheriff. The cost of publication shall be paid by the board from funds available for the payment of administrative expenses. The sheriff immediately shall certify in writing to the board the dates when the list was posted and published. The list shall be posted and published as required on or before October 1 of the year when it is made. The posting and publishing shall be constructive notice to all interested parties and shall be in addition to any other notices provided by statute or existing as a matter of law.

98.360 Deposit of property with the board. (1) Any custodian who has made a report as required by ORS 98.340, shall, between November 1 and November 15 of each year, turn over to the board all property so reported; but if the custodian making the report or the owner of the property certifies to the board by sworn statement that the statutory conditions necessary to create a presumption of abandonment no longer exist or never did exist, or certifies the existence of any fact or circumstance which has a substantial tendency to rebut the presumption, the custodian reporting or holding the property is not required to turn the property over to the board except on order of court. If a person files an action in court claiming any property which has been reported under ORS 98.340, the custodian of the property is under no duty while the action is pending to turn the property over to the board, but shall notify the board of the pendency of the action. After such notification no further report need be made with respect to the property during the pendency of the court action.

(2) The custodian reporting or holding the property of any claimant shall always have the right to a judicial determination of his rights and nothing in ORS 98.310 to ORS 98.440 shall be construed otherwise.

(3) The provisions of ORS 98.400 which

relate to the decision of the board and appeals therefrom shall apply to a decision of the court rendered under this section requiring payment to the board over the protest of the holder or claimant of the property.

98.370 Sale of abandoned property. All property, other than money, surrendered to the board pursuant to ORS 98.360 shall be sold to the highest bidder by the board at public sale at Salem, Oregon, or in any other city in the state as may in its judgment afford the most favorable market for the particular property involved. However, the board may decline the highest bid and reoffer the property for sale if it deems the price offered insufficient. The sale shall be advertised at least one week before the date of the sale in a newspaper of general circulation in the county where the property was found or abandoned and in the county where the sale is to be made. The sale shall be held at the courthouse door. In advertising the property no property need be advertised other than property offered for sale. The board need not offer for sale any property believed by it to be of less value than the cost of advertisement and sale. When property is surrendered to the board by a custodian having a claim or lien thereon for rental, storage charges or otherwise, the board shall pay the full amount of the claim to the custodian, from the proceeds of the sale after payment of costs and expenses of sale.

98.380 Custodian relieved from liability. Any custodian who transfers property to the board pursuant to ORS 98.360 to which the state is entitled is relieved of any liability to the owner of the property arising from the transfer. If any such custodian cannot be relieved of liability by the provisions of this section, the state shall reimburse the custodian for all loss, cost or damage incurred by reason or compliance with the provisions of ORS 98.310 to 98.440.

98.390 Owner's right to claim abandoned property. Any owner claiming an interest in property paid or surrendered to the board in accordance with ORS 98.360 may file his claim at any time after the property was paid or surrendered to the board. If the value of property to be recovered, or the amount thereof, does not exceed \$25, the claimant shall submit his claim upon forms to be furnished by the board,

verified by the oath of the claimant, and the claim need not be advertised by publication or posting. If the value of property to be recovered, or the amount thereof, exceeds \$25, the claimant shall, within 15 days after filing any claim permitted under this section, publish notice of the claim in a newspaper of general circulation in the county in which the property was held before being transferred to the board. If there is no such newspaper, the claimant shall post notice at the courthouse door and in three other conspicuous places in the county, and shall file proof of publication or posted notice with the board. No such claim shall be allowed until 15 days after proof of notice is received by the board at its offices in Salem, Oregon.

98.400 Decision by board on claim; appeals therefrom. (1) The board shall consider any claim and defense permitted to be filed before it and hear evidence in respect thereto. If the claimant establishes his claim, the board shall, when the time for appeal or further legal procedure provided in this section has expired, authorize payment to him of a sum equal to the amount which was paid into the board in compliance with ORS 98.360. The decision shall be in writing and shall state the substance of the evidence heard by the board if a transcript thereof is not kept. The decision shall be a matter of public record.

(2) Any petitioner or claimant dissatisfied with the decision of the board may, within 60 days, appeal from the decision to a circuit court or file an action in that court to vacate the decision. The proceedings shall be de novo and no transcript of the record before the board is required to be kept unless requested by the claimant. In any proceeding before the circuit court, the board shall be made a party defendant, and all other individuals or interested parties required by law to be made parties defendant or plaintiff and served with actual or constructive notice in actions in rem or quasi in rem, shall be so treated.

(3) Any party adversely affected by the decision of the circuit court may appeal to the Supreme Court in the manner provided by law.

98.410 Procedure when custodian refuses to surrender abandoned property. If any custodian or his agent refuses to voluntarily pay or surrender any property to the board, as provided in ORS 98.360, a

proceeding may be brought on the relation of the board, as an equity suit, in a court of competent jurisdiction to force such payment or surrender of property. All property presumed abandoned as provided in ORS 98.320 and 98.330, and within the jurisdiction of the court, may be listed and included in a single suit if the property of different persons is set out in separate paragraphs.

98.420 Board authorized to examine records. The board is authorized to examine all records of state and national banks or trust companies where there is reason to believe that there has been a failure to report property which must be reported under the provisions of ORS 98.340.

98.430 Power of board to promulgate rules and administer ORS 98.310 to 98.440. The board shall have authority to promulgate such reasonable rules and regulations as are necessary for the enforcement of the provisions of ORS 98.310 to 98.440, and to govern hearings provided in ORS 98.400 to be held before it. The board may delegate in writing to any regular employe of the board authority to perform any of the administrative duties imposed on it by ORS 98.310 to 98.440 except the promulgation of rules and regulations. The board has authority to require reports to be made pursuant to ORS 98.340 and property to be surrendered pursuant to ORS 98.360, by civil suit or action, including suits in the nature of a bill of discovery.

98.440 Failure to report. No person shall wilfully and without just cause refuse to make any report required by ORS 98.340.

98.450 to 98.500 [Reserved for expansion]

UNORDERED PUBLICATIONS

98.510 Unordered newspapers and periodicals deemed gifts. If any owner, controller, editor or proprietor of any newspaper or periodical mails or sends a paper or periodical to any person in this state without first receiving an order for the newspaper or periodical from such person, the newspaper or periodical is deemed to be a gift and no debt or obligation shall accrue against such person.

98.520 to 98.600 [Reserved for expansion]

REMOVAL OF TREES OR LOGS FROM ANOTHER'S LAND, COUNTY ROADS OR STATE HIGHWAYS

98.610 Recovery of any part of tree from private property lost from a railroad or motor vehicle. Any person may enter upon private property where any part of a fallen tree belonging to or under the control of the person has been lost from a railroad or motor vehicle, for the purpose of recovering and reclaiming the same. Before entering the land he shall post a bond with the Public Utilities Commissioner, to be approved by the commissioner, in such sum as the commissioner may provide. The bond shall run to the Public Utilities Commissioner to insure to any landowner the payment of any damage resulting from removal or reclaiming of such property. The owner of the land shall be compensated for any damages resulting from the removal or for damage to his property caused by any part of a felled tree falling from motor vehicles or railroads.

98.620 Effect of failure to remove logs.

(1) If any person fails to remove and reclaim logs, timber or any part of a fallen tree within one year after it is lost upon private property, as provided in ORS 98.610, it is deemed abandoned, and the title thereto vests in the person entitled to the possession of the land upon which the same is found.

(2) If any part of a felled tree which falls from a log truck or a railroad is not removed from the land within seven days after written notice from the owner of the land to remove the same, title to that part of the felled tree is forfeited and shall vest in the owner of the land.

98.630 Landowner's rights following removal of logs. The Public Utilities Commissioner has the power, upon application of any landowner mentioned in ORS 98.610 to determine the damages mentioned in ORS 98.610 resulting to the landowner and require the payment thereof. In lieu of such application for award of damages, the landowner may pursue an action at law for such damages or sue on the bond provided for in ORS 98.610 in the circuit court of the county in which the land is situated. The expenses incurred by the commissioner in making a determination of damages as provided in this section shall be paid by him out of money appropriated from the general fund for the payment of expenses incurred in administer-

ing the law relating to log booming companies.

98.640 Owner's duty to remove trees, logs, poles or piling deposited on state highways. (1) No person shall place or deposit any trees, timber, logs, poles or piling upon the right of way of any state highway or upon any real property adjacent thereto which is owned by the state, by and through its State Highway Commission, except with permission of any duly authorized weighmaster or peace officer given in connection with the removal of portions of loads, which removal is pursuant to ORS 483.534.

(2) Any trees, timber, logs, poles or piling so placed or deposited whether pursuant to said permission of a weighmaster or peace officer or accidentally or in violation of this section, or which have fallen, dropped or been blown upon said right of way or said adjacent property, shall be removed by the owner thereof within a period of not more than 30 days. [1953 c.312 §1]

98.642 Effect of failure to remove trees, logs, poles or piling. Any trees, timber, logs, poles or piling which remain for a period of more than 30 days upon the right of way of any state highway or upon real property adjacent thereto which is owned by the state, by and through its State Highway Commission, shall be conclusively presumed abandoned, and title thereto shall vest in the state, by and through its State Highway Commission, and the commission is hereby authorized to remove, destroy, sell or otherwise dispose of the same. [1953 c.312 §2]

98.644 ORS 98.640 and 98.642 inapplicable to certain trees, logs, poles and piling. The provisions of ORS 98.640 and 98.642 shall not apply to trees, timber, logs, poles or piling which have been placed or deposited or allowed to remain upon the right of way of a state highway or real property adjacent thereto under the provisions of a permit granted by the State Highway Commission, nor to poles erected upon the right of way of a state highway for the purpose of carrying telegraph, telephone or electric lines or wires. [1953 c.312 §3]

98.650 Owner's duty to remove trees, logs, poles or piling deposited on county roads. (1) No person shall place or deposit any trees, timber, logs, poles or piling upon the right of way of any county road, except with permission of any duly authorized weighmas-

ter or peace officer given in connection with the removal of portions of loads, which removal is pursuant to ORS 483.534.

(2) Any trees, timber, logs, poles or piling so placed or deposited, accidentally or in violation of this section, or which have fallen, dropped or been blown upon said right of way, shall be removed by the owner thereof within a period of not more than 30 days. [1953 c.339 §1]

98.652 Effect of failure to remove trees, logs, poles or piling. Any trees, timber, logs, poles or piling which remain for a period of more than 30 days upon the right of way of any county road shall be conclusively presumed abandoned, and title thereto shall vest in the county having jurisdiction over such county road, and the county court or board of county commissioners of said county may remove, destroy, sell or otherwise dispose of the same. [1953 c.339 §2]

98.654 ORS 98.650 and 98.652 inapplicable to certain trees, logs, poles or piling and to certain county roads. The provisions of ORS 98.650 and 98.652 shall not apply to trees, timber, logs, poles or piling which have been placed or deposited or allowed to remain upon the right of way of a county road under the provisions of a permit granted by the county court or board of county commissioners having jurisdiction over said county road, nor to poles placed upon the right of way of a county road under authority of ORS 758.010 or 758.020, nor to any county road which is not maintained for public travel by the county court or board of county commissioners of the county in which the road is located. [1953 c.339 §3]

98.656 to 98.700 [Reserved for expansion]

UNCLAIMED MONEY HELD BY PUBLIC OFFICIAL

98.710 Disposal of unclaimed money held by certain public officials. If money is held by any county officer, justice of the peace or clerk of any court for the account of any person whose address or whereabouts is unknown, and the money remains in the hands of such official and is unclaimed for a period of seven years from the date of its deposit with him, such official shall, within 30 days after December 31 of each year, pay such unclaimed money to the State Land Board for the benefit of the Common School Fund

of this state. The State Land Board shall issue a receipt for the money to such official.

98.720 to 98.800 [Reserved for expansion]

DISPOSITION OF MOTOR VEHICLES UNLAWFULLY PARKED ON PRIVATE PARKING LOT

98.810 Unauthorized parking of motor vehicle on private parking lot prohibited. No person shall, without the permission of the owner, lessee or person, firm or corporation in lawful possession of any private property used for motor vehicle parking, leave or park any motor vehicle thereon, if there is in plain view on such private property a sign prohibiting public parking thereon or restricting parking thereon. [1953 c.575 §1]

98.812 Storage of unlawfully parked motor vehicle in public garage or parking lot; lien of garagekeeper or parking lot operator.

(1) The owner, lessee or person, firm or corporation in lawful possession of private property upon which a motor vehicle has been left or parked in violation of ORS 98.810 may after notice to the office of the city police wherein said motor vehicle is parked have said motor vehicle towed off said private property and placed in storage at a public garage or public parking lot.

(2) The garagekeeper or public parking operator shall be entitled to a lien for his just and reasonable charges on said motor vehicle and may retain possession thereof until the just and reasonable charges for the towage, care and storage of said motor vehicle have been paid. [1953 c.575 §2]

98.814 Sale of motor vehicle to satisfy lien; notice of sale. (1) If such just and reasonable charges be not paid within 60 days after they have begun to accrue the garagekeeper or public parking operator having such lien may proceed to sell such motor vehicle at public auction and apply the proceeds of such sale; first, to the payment of the expenses of said sale, including 10 days' storage; second, to the discharge of said lien; and third, the balance, if any, to the county clerk of the county in which such sale is made, to be held by said county clerk in trust for the owner of said vehicle. Such sale must be held in the county where said vehicle was left or parked.

(2) Before any sale is made notice thereof must be given by registered mail to the legal

owner as appears on the motor vehicle registration card and to any other person whose interest is shown in the motor vehicle records of the Secretary of State. Said registered notice must be mailed to the above mentioned parties at least 10 days prior to sale, which notice shall be directed to the above mentioned party or parties at his or their last known address, if known, and also by posting notice thereof in three public places in said county, one of which shall be at or near the front door of the county courthouse of said county, for 10 days prior to the day of sale.

(3) Said notice shall contain a particular description of the vehicle to be sold, the name of the owner or reputed owner thereof, the amount due on said lien, and the time and place of said sale. [1953 c.575 §4]

98.816 Limitations on lien. No garagekeeper or public parking operator shall be entitled to a lien for storage covering a period in excess of 15 days, unless within such period he shall have given notice of the location of the motor vehicle, by registered mail, to the legal owner as appears on the motor vehicle

registration card, and to any other person whose interest is shown in the motor vehicle records of the Secretary of State. In no event, shall such garagekeeper or public parking operator be entitled to a lien for storage for a period in excess of 70 days. [1953 c.575 §5]

98.818 Preference of lien. The lien created by ORS 98.812 shall have preference over any and all other liens or encumbrances upon such motor vehicle. [1953 c.575 §3]

98.820 to 98.980 [Reserved for expansion]

PENALTIES

98.990 Penalties. (1) Violation of ORS 98.440 is punishable upon conviction by a fine not exceeding \$100.

(2) If a suit is brought by the State Land Board as authorized by ORS 98.430, the custodian may be required to pay a penalty equal to 10 percent of all amounts that he may be required to surrender, but in no event shall the penalty exceed \$500.

(3) Violation of ORS 98.710 is a misdemeanor.