

*“Found in Collections”:  
A Reference Guide for Reconciling  
Undocumented Objects in Historical Museums*

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# Introduction

Essential to a museum's collections management system is the ability to account for the objects in its collection. Standardized record keeping, developed since the early 1900s, and more specifically since the mid 1950s, almost always assures that objects entering the museum are properly accounted for and documented. These processes guarantee that objects in the museum's possession either are owned by the museum or can be directly traced to another owner. They ensure that objects are uniquely numbered and described—methods by which they can be tracked and linked to their documentary information. They also ensure that, should the need arise, the museum can judiciously remove the objects from the collection. While the collections profession has made great strides in the last fifty years to standardize management practices, museums have not developed any field-wide guidelines to reconcile their undocumented objects.

Such objects, more commonly referred to as **“found in collections” (FIC), are objects in a museum's physical possession or control that are unsupported by any documentation and/or lack sufficient evidence to prove museum ownership.** FIC objects exist, to a greater or lesser extent, in almost every museum in the country. Their reconciliation can raise a host of questions:

- Are the undocumented objects museum property or could they belong to someone else?
- If you want to keep the objects, do you assign them a unique number, or process them like a standard accession?
- How do you sensibly and/or legally deaccession or dispose of the objects if there is no documentation to prove ownership?
- Could you potentially be getting rid of objects of monetary value or notable provenance?

Reconciling undocumented objects can be time consuming and confusing. Even the terminology used to describe the items varies. The objects are often interchangeably referred to as unclaimed property, abandoned property, undocumented property, and “found in collections” (FIC) items. Likewise, objects of uncertain title can also be called old loans, unclaimed loans, abandoned loans, or permanent loans. Be forewarned that referring to undocumented objects as any type of “loan” presupposes that at least minimal documentation exists to trace the origin of the object back to an owner other than the museum. But confusion can arise when there is no documentation to prove or disprove museum ownership.

Currently, thirty-four states have museum-specific legislation that provides legal guidelines for the acquisition and disposition of old loans and undocumented objects (though not all laws cover both types of objects). However, the laws vary from state to state in their complexity as well as in the breadth of materials they cover, and are often difficult to decipher. Given the host of questions raised by undocumented objects, I developed this guide as a companion project to my master's project: "*Found in Collections': Reconciling Undocumented Objects in Historical Museums.*" Its purpose is to assist collections personnel in history museums and historical institutions in reconciling FIC objects in their collections.

The first four sections address beginning the process of FIC reconciliation; numbering; disposition and deaccessioning of FIC objects; and ways to prevent perpetuating future problems. The final section supplies informational resources, a sample affidavit to begin running a statute of limitations on an FIC object, and a decision map developed by M.E. Conaway to aid in the reconciliation process. Each institution and collection differs. The suggestions made here are broad by design and act as starting points. Each institution should determine its own course of action and its own methods for reconciling its FIC objects.

A complete draft of my master's project can be obtained by contacting the author at [melindasimms@hotmail.com](mailto:melindasimms@hotmail.com).

# Glossary

The following are definitions for terms used throughout this guide:

**Abandoned property law:** see **Unclaimed property law.**

**Accession:** (1) An object acquired by a museum as part of its permanent collection; (2) the act of recording/processing an addition to the permanent collection (Nauert 1979); (3) one or more objects acquired at one time from one source constituting a single transaction between the museum and a source, or the transaction itself (Burcaw 1997).<sup>1</sup>

**Accession number:** A control number, unique to an object, whose purpose is identification, not description (Nauert 1979).<sup>2</sup>

**Deaccession:** (1) an object that has been removed permanently from the museum collection; (2) formal removal of accessioned objects from the museum's permanent collection.<sup>3</sup> See also **Disposition.**

**Disposition:** The act of removing unaccessioned objects from the museum collection. See also **Deaccession.**

**Found in Collections (FIC):** see **Undocumented object.**

**Museum-specific legislation:** State legal statute that provides guidelines for the reconciliation of old loans and/or undocumented objects in museums.

**Old loan:** see **Unclaimed loan.**

**Permanent collection:** Objects that are owned by the museum, that it has the responsibility to house and care for, and that may be used as the museum sees fit—most often for exhibition, loan, or study.

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<sup>1</sup> Rebecca A. Buck and Jean Allman Gilmore, *The New Museum Registration Methods* (Washington, D.C.: American Association of Museums, 1998), 359.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid., 362.

**Provenance:** For works of art and historical objects, the background and history of ownership.<sup>4</sup>

**Quitclaim:** To release or relinquish a claim to; to release a claim to by deed, without covenants of warranty against adverse and paramount titles.<sup>5</sup>

**Title:** The coincidence of all the elements that constitute the fullest legal right to control and dispose of property.<sup>6</sup>

**Unaccessioned objects:** Objects in the possession of the museum that have not been formally added to the museum's permanent collection but still require storage and care.

**Unclaimed loan:** An object that the museum records show was placed on loan for a fixed period or indefinite period, and which has not been retrieved by its owner in a timely fashion.<sup>7</sup>

**Unclaimed property law:** The law in each state generally reserved for the resolution of tangible and intangible financial assets. In states without museum-specific legislation addressing undocumented objects, this law may or may not be helpful in reconciling undocumented museum objects as well. Also sometimes referred to as abandoned property law.

**Undocumented object:** object in a museum's physical possession or control that is unsupported by any documentation and/or lacks sufficient evidence to prove museum ownership.

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<sup>4</sup> Ibid., 366

<sup>5</sup> ThesaurusDictionary.com, "quitclaim," <http://www.thesaurus-dictionary.com/files/q/u/i/quitclaim.html> (8 August 2003).

<sup>6</sup> *The American Heritage Dictionary*, Second College Edition (Boston: Houghton Mifflin Company, 1985), 1273.

<sup>7</sup> Marie C. Malaro, *A Legal Primer on Managing Museum Collections* (Washington, D.C.: Smithsonian Institution Press), 304.

# Beginning the Process

## ❖ Why Do This?

You may want or need to take on the FIC reconciliation process if you are doing any of the following:

- Working toward a completely documented collection
- Preparing for a collections move
- Preparing for storage expansion or reduction
- Considering visible storage
- Conducting a comprehensive collections inventory
- Conducting a space audit
- Considering a cost-cutting initiative
- Applying for the accreditation process
- Lucky enough to have extra time, staff or volunteers

## ❖ What to Consider

When you find undocumented objects in your institution, there are things to consider before accessioning or removing them from the collections. The following four steps offer a starting point to begin thinking about your FIC objects in terms of their unique qualities.<sup>8</sup> Once considering these fundamental factors, the reconciliation process can begin. As you will see, FIC objects are best addressed on an individual, case-by-case basis.

**(1) Determine the object's status (as best you can).** Assess (1) the extent to which an object is missing documentation and (2) information about where it was physically found, may help hasten the reconciliation process. For example:

- The object was found in collections area and *has* an accession number and there is no standard Deed of Gift but there is some evidence of DONOR.

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<sup>8</sup> This section is closely based on a handout that was drafted for a session at the 2001 AAM conference in St. Louis, MO. The session was entitled "Found in Collection: Recurring Nightmare or Golden Opportunity?" Permission to use granted by author.

- The object was found in collections area and *has* an accession number and there is no standard Loan Agreement but there is some evidence of LENDER.
- The object was found in a collections area and *has* an accession number but is lacking other information.
- The object was found in a collections area and *does not have* an accession number and *does not have* any information about DONOR or LENDER but you think the object is either a donation or loan because:
  - It is grouped with like objects
  - It is similar in use/history as other objects
  - It is located or stored in a particular area of the museum
  - There is a note with it
- The object was found in a collections area and is missing *all* documentation.
- The object was found in a non-collections area and is similar to other objects in the collection.
- The object was found in a non-collections area and is not similar to any other objects in the collection.

**(2) After determining the object's status consider these:**

- Is object is relevant to your museum's collecting mission?
- What is the object's physical condition?
- What is object's *monetary* value?
- What is the object's value, either scientific, scholarly, historic, aesthetic for any institution?
- Is object is of Native American origin?
- Does the object contain materials derived from a threatened or endangered species?

**(3) If necessary, decide on a method of acquisition or disposition:**

- Do you want to **keep** the object, and:
  - Add it to the permanent collection,
  - Add it to education or teaching collection, or
  - Loan it to other museums?

- Do you want to **get rid of** the object, and:
  - Sell it commercially,
  - Sell it to another museum,
  - Trade it with another museum,
  - Give it to another museum,
  - Give it to another non-profit organization (school, human services organization, art center), or
  - Throw it away?

**(4) Consider the laws (if applicable):**

- Is your museum in a state with museum-specific old loan legislation?
- Does your old loan legislation make provisions for reconciling undocumented objects?
- Is your museum in a state without museum-specific old loan legislation?
- Does your museum have access to legal counsel?

**❖ When you begin reconciling your FIC objects, there are several places to locate possible information about the objects.**

**Ways you can find information about FIC objects are:**

- Conduct formal or informal oral histories and mine the museum’s institutional memory—are there staff members, volunteers, or docents who have been at the museum for a long time and might remember seeing the object?
- Search accession files
- Review exhibit catalogs and/or inventories
- Review old newspaper articles, annual reports, or museum newsletters, that reported donations/loans to the museum
- Review old institutional meeting minutes that discussed collections donations/loans
- Sort through old gift and loan agreements
- Compare object description against prior collection inventories

# Numbering

❖ If you decide to accession an undocumented object into the collection, consider assigning it a number unique to FIC objects. Using a unique number ensures that the object can be tracked easily and that, should the object's original accession number surface at some point, the FIC number can be retired without creating a gap in the standard accession number sequence. You can also add a flag in your collections management database that identifies the object as FIC. Whatever system you choose, make sure the number is unique, unlike any of your museum's other numbering schemes, and *be consistent*.

## To number your FIC objects try using a:

- **Unique numerical designation.** For example, *all* FIC objects found each year will be assigned:
  - The **first accession** of the year: 2003.**001**.001-, 2004.**001**.001-
  - A larger **lot** number than is possible to reach in a given year 2003.**800**.001-, 2004.**800**, 001-
  - A **yearly** number which, because of your institution's date of founding, would be impossible to have, i.e. **1950**.001.001- if your museum was founded sometime after 1950.
- **Alphabetical prefix** before the standard trinomial system, for example:
  - **Z**.2003.001.001
  - **FIC**.2003.001.001
  - **NN**.2003.001.001
- **Temporary number** or **Inventory prefix**, for example:
  - **TEM**.2003.001.001
  - **TN**.2003.001.001
  - **INV**.2003.001.001
- **Flag** in donor, source, or status field of your collections management database or elsewhere in the object's record.

❖ You may decide *not* to accession an FIC object right away. If this is the case, and you want to assign the objects a number for in-house tracking purposes you could:

- Use an alphabetical prefix or a temporary or inventory number as described above.
- Keep a separate log with a simple sequential numbering system, or craft a combination of both (just remember to *be consistent!*)

You may or may not decide to add these objects to your collections management database—this is decision dependent on your institution’s individual policy.

# *Disposition/Deaccessioning*

❖ Perhaps the most perplexing issue surrounding the reconciliation of FIC objects is what to do if your museum decides that it no longer wants the objects. Maintaining undocumented objects that do not meet the museum’s mission, are inferior duplicates, are irreparably damaged, or pose a threat to the staff or permanent collection in some way, can be unnecessary and expensive. But there are currently no standard national guidelines that aid in the disposition or deaccession of these types of items. When thinking about removing FIC items from the museum, you must first understand the legal implications of the decision. After this, you can then choose the best course of action based on factors such as your state’s existing museum-specific law (or lack thereof), the public relations aspects of your decision, and the amount of time and/or money your and your museum can devote to FIC reconciliation.

- **The Legal Dimension**

In her seminal book on museum law, *A Legal Primer on Managing Museum Collections*, Marie Malero writes that the “continued undisturbed possession [of undocumented objects] by the museum usually supports a presumption of a valid transfer of ownership,”<sup>9</sup> with the burden of proof falling on the party disputing this presumption. However, Malero goes on to add that, should a claimant be able to prove ownership, and “the object is no longer in the possession of the museum because the object has been given away or sold [or thrown away], and the claimant pursues his or her interest against the present holder, the museum can expect repercussions.”<sup>10</sup>

The dubious nature of undocumented objects makes it difficult for a museum to determine whether legal ownership was ever transferred from the donor to the institution. Without legal title, removing an item from the museum is a risky venture. There can be fiscal and legal ramifications to disposition or deaccession if the object was never owned by the museum to begin with, and the rightful owner returns to claim an object that has been removed. When

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<sup>9</sup> Malero, 355. Note: In compiling this guide, this author did not find any published legal proceedings regarding cases brought against museums by wayward owners returning to claim their objects. It is unknown whether the legal standing of either the museum or an FIC object’s rightful owner has yet been tested in a court of law.

<sup>10</sup> *Ibid.*, 356.

discussing the removal of an FIC object from the museum by sale, Malaro says, “If the museum sold the object to the present holder without reservations about title and if the holder subsequently must return the object to the true owner, the museum may be forced to pay the holder the value of the object as of the date of its return.”<sup>11</sup> Likewise, Malaro describes the potential legal outcome of giving away an undocumented object by saying, “if the true owner cannot retrieve the object from the present holder or if the object has been damaged, the museum may well find itself subject to suit.”<sup>12</sup>

When deciding to remove FIC objects from the museum, either by disposition or deaccession, consider the following questions and applications. Note that these are questions and suggestions that are meant as starting points. They are in no way intended to replace the help or advice of legal counsel.

- **Reconciliation Considerations:**

**(1) Does your state have a museum-specific law regulating the disposition/deaccession of undocumented objects?**

Currently, thirty-four states have museum-specific laws to assist in the acquisition and disposition of old loans and undocumented objects (note: not all laws cover *both* types of objects).

**(2) Does your state have a general unclaimed or abandoned property law that provides guidelines for the disposition of abandoned property?**

Individual states’ abandoned or unclaimed property laws, or the Uniform Unclaimed Property Act provide guidelines for the disposition of abandoned property. While not written specifically to address museum objects, these laws could be helpful. For example, the Uniform Unclaimed Property Act states that property that has been abandoned for five years or more could be reported and delivered to the government official designated as the “Administrator” for purposes of the Act. Likewise, these laws also make provisions for the disposition of property whose monetary value falls under a prescribed dollar amount.

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<sup>11</sup> Ibid., 358.

<sup>12</sup> Ibid.

### **(3) Will there be public relations aspects to consider?**

Deaccession or disposition of undocumented objects can foster bad public relations if the community thinks the museum is unjustifiably ridding itself of its heirlooms. Developing a public relations strategy is necessary regardless of the size of your museum or community.

- **More Recommendations**

#### **(1) Approach disposition or deaccessioning slowly and deliberately.**

Using the Beginning the Process section of this guide will help you determine what the appropriate disposition or deaccession method will be based on *each* FIC object. Remember that what is the most appropriate procedure for one object may not be the best for another. For example, objects of Native American origin, or objects containing natural materials may require unique disposition methods. Likewise, objects that could potentially endanger staff or the permanent collection may require more expeditious decisions. If you are uncertain as to how to proceed, set aside all your FIC objects, making a “don’t know” pile from which you can reconcile objects as you have time and as you determine the best course of action for each item. *Note: this suggestion is also applicable for adding items to the collection as well.*

#### **(2) Thoroughly document FIC disposition and deaccession and be *up front and honest* about your decisions.**

If it is determined that disposition or deaccession is the best course of action for the undocumented objects, take care to document the objects *thoroughly* before beginning the process. Note *all* pertinent information on a catalog worksheet. This information should at least include:

- The date of disposition or deaccession
- Any object number (if applicable)
- An object description, including its condition
- Object measurements
- Disposition or deaccession method
- Photographs of the object
- The object’s monetary value

File the worksheet systematically as you would other object-related paperwork. If done in good faith, and with the knowledge of all involved parties (this can include the community if applicable), FIC object disposition or deaccession is not something to be ashamed of or to sweep under the rug. Adhering to proper collections management policies demonstrates a dedicated effort to care for the collection *in toto*.

**(3) Ascertain whether the museum-specific law, or the general unclaimed or abandoned property law in your state makes provisions to start the running of a statute of limitations during which time an owner must claim the property or lose ownership rights.**

To legally gain ownership of an object and perfect title, after which you can dispose of or deaccession FIC objects, consider filling out a formal affidavit and keeping it filed with your undocumented object records. Be sure to include on this affidavit:

- The witness's connection to the museum
- When the object was seen in the museum for the first time by the witness(es)
- Where the object was seen for the first time by the witness(es)
- The circumstances under which the object was seen

Supplied later in the Resources section is a sample affidavit you can personalize for your own institution.

**(4) Consider selling or giving away FIC objects under a quitclaim deed**

A sale or transfer of an FIC object may be made validly under what is called a quitclaim deed. Under this type of deed, the museum holding the FIC object acknowledges that it has incomplete ownership rights. In selling or transferring the object to another institution, the transferee receives only limited rights, and in turn assumes the risk should someone later come along and attempt to claim rightful ownership. Selling under this type of deed greatly diminishes the risk involved with the disposition or deaccession of FIC objects as well as the monetary value of an object as its provenance and ownership are in question.<sup>13</sup>

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<sup>13</sup> Ildiko P. DeAngelis, interview by author, October 2002, Orinda, CA, telephone.

# *Preventing Future Problems*

❖ There are several things a museum can do to assure that undocumented objects do not continue to enter the institution. The following are some simple suggestions that can aid in the process:

- **Draft a policy regarding the resolution of FIC objects as part of your museum’s overall Collections Management Policy (CMP)**

Does your CMP include guidelines for resolving undocumented objects? A good policy reflects forethought of potential issues and acts as a “failsafe” measure when such issues arise.

When adapting collections management policies to address FIC issues, consider adding:

- *Clear* definitions of undocumented, FIC objects, abandoned or unclaimed property—if these are the terms used at your institution
- Accession and disposition/deaccession criteria of FIC items that consider:
  - The museum’s process for determining an object’s owner
  - The process for obtaining legal ownership rights. This will be governed by the state’s museum-specific legislation (if applicable), and should include a written record of the step-by-step methods for obtaining ownership.
  - Any exclusions to the previously mentioned process. For example, will the museum waive undertaking the ownership process if the object poses a hazard to the staff or the collection, is irreparably damaged, is less than a particular value?
  - Consider who will determine the accession status—the museum director or administrator, the collections manager or registrar, the curator, or a combination thereof? Likewise, who will be included in the decision to remove an item from the museum—will this be one individual’s decision, a

group of museum personnel, or will the decision rest with a higher museum committee?

Also consider adding, either in the CMP or in a separate official document, the museum's procedural policies for addressing FIC objects. Outline in detail what these processes will be, taking care to include (as applicable): directions for assigning an object number, tracking the object, the physical numbering of the object, its cataloging, photography, and storage, updating of the collections management database, directions for the resolution of FIC objects should documentation on their true identity surface, and any approved disposition methods.

- **Write out instructions to all staff**

If your institution accepts unsolicited objects at the front or back door, create step-by-step procedural instructions and place them in a binder at the staffed locations that service visitors. These instructions could include:

- collections staff phone extensions for referral
- sample copies of temporary gift or loan agreements for reference

Alternatively, if your institution does not accept unsolicited donations under any circumstances, provide a copy of this policy. Also, include contact phone numbers, e-mails, or business cards to refer the patron to the appropriate staff member if they wish to make an appointment to have his or her object reviewed for donation or loan.

- **Conduct staff training**

Periodically conduct staff training that clearly explains the necessity of obtaining thorough documentation when an object enters the museum and describes how to obtain that information. Training can be formal, or informal, conducted at a dedicated session, or discussed at an all staff meeting. If warranted, special informational sessions can be conducted for visitor services personnel (both staff, volunteers, and docents) and security staff—usually the “front line” workers who initially meet anyone dropping off an object at the museum.

# Resources

**Based on the reconciliation considerations posed in the previous section, the following resources have been compiled for ready reference.**

## ❖ Old Loan laws by State

Provided below is the information necessary to locate the old loan law in your state. In some instances, the legislation also covers undocumented objects.

The complete wording of the specific laws is available on: <http://www.lawsourc.com>

*Alabama:* Ala. Code Section 41-6-72 [Applies only to Alabama Department of Archives and History of the State of Alabama]

*Alaska:* Alaska Stat. 14-57-200 *et seq.* [applicable to undocumented objects]

*Arizona:* Ariz. Rev. Stat. Ann. Sections 44-351 *et seq.* [applicable to undocumented objects]

*Arkansas:* None

*California:* Cal. Civ. Code Sections 1899 *et seq.*

*Colorado:* Colo. Rev. Stat. Sections 38-14-101 *et seq.*

*Connecticut:* None

*Delaware:* None

*District of Columbia:* None

*Florida:* Fla. Stat. Ann. [Title XVIII] Chapter 265.565 *et seq.*

*Georgia:* None

*Hawaii:* None

*Idaho:* None

*Illinois:* Ill. Comp. Stat. [Chapter 765] 1033/1 *et seq.* [applicable to undocumented objects]

*Indiana:* Ind. Code. Ann. Section 32-34-5-1 *et seq.* [applicable to undocumented objects]

*Iowa:* Iowa Code Chapter 305B Sections 1-13 [applicable to undocumented objects]

*Kansas:* Kan. Stat. Ann. 58-4001 *et seq.* [applicable to undocumented objects]

*Kentucky:* Ky. Rev. Stat. Ann. 171.830 *et seq.*

*Louisiana:* La. Rev. Stat. Ann. Section 25:345 [Limited to the Louisiana State Museum]

*Maine:* Me. Rev. Stat. Ann. Title 27, Chapter 19, Section 601

*Maryland:* None

*Massachusetts:* None

*Michigan:* Mich. Comp. Laws 399.601 *et seq.* [applicable to undocumented objects]

*Minnesota:* Minn. Stat. Section 345.70 *et seq.* [applicable to undocumented objects]

*Mississippi:* Miss. Code Ann. Section 39-19-1 *et seq.*

*Missouri:* Mo. Rev. Stat. Section 184-101 *et seq.* [applicable to undocumented objects]

*Montana:* Mont. Code Ann. Section 22-3-501 *et seq.*

*Nebraska:* Neb. Rev. Stat. Section 51-701 *et seq.* [applicable to undocumented objects]

*Nevada:* Nev. Rev. Stat. Ann. Section 381.009 [Limited to specified museums and historical societies]

*New Hampshire:* N.H. Rev. Stat. Ann. [Title XVI] Section 201-E:1 *et seq.*

*New Jersey:* None

*New Mexico:* N.M. Stat. Ann. Section 18-10-1 *et seq.*

*New York:* Pending

*North Carolina:* N.C. Gen. Stat. Section 121-7(c) [Limited to state museums]

*North Dakota:* N.D. Cent. Code Section 47-07-14

*Ohio:* Ohio Rev. Code Section 33.3385.01 *et seq.*

*Oklahoma:* Okla. Stat. [Title 60] Section 683.2 [Only states that museums are not subject to the provisions of the Uniform Unclaimed Property Act]

*Oregon:* Or. Rev. Stat. Section 358.415 *et seq.*

*Pennsylvania:* None

*Rhode Island:* None

*South Carolina:* S.C. Code Ann. Section 27-45-10 *et seq.*

*South Dakota:* S.D. Codified Laws 43-41C-1 *et seq.* [Defines unclaimed property as any property held by a museum or historical society in the state which is held for ten years or more and to which no person has made claim]

*Tennessee:* Tenn. Code Ann. Section 66-29-201 *et seq.* [Applies to abandoned cultural property—makes no distinction between old loans and undocumented objects]

*Texas:* Tex. Prop. Code Ann. Section 80.001 *et seq.*

*Utah:* Utah Code 9-8-801 *et seq.* [A rebuttable presumption is established that any repositied materials held by a collecting institution are the property of that collecting institution.]

*Vermont:* None

*Virginia:* Va. Code [Chapter 11.2] Section 55-210.31 *et seq.* [applicable to undocumented objects]

*Washington:* Wash. Rev. Code Section 63.26.010 *et seq.* [where "Property" includes *all* documents and tangible objects, animate and inanimate, under the care of a museum or historical society which have intrinsic scientific, historic, artistic, or cultural value.]

*West Virginia:* None

*Wisconsin:* Wis. Stat. Ann. Section 171.30 *et seq.* [applicable to undocumented objects]

*Wyoming:* Wyo. Stat. Ann. Section 34-23-101 *et seq.*

❖ If your state does *not* have a museum-specific law regarding undocumented objects, and you or your institution thinks it prudent to get advice before accessioning, disposing of, or deaccessioning your FIC objects, you may wish to contact your state's unclaimed property office or the office of your state's Attorney General for guidance.

**For a directory of names and addresses for each state's unclaimed property program:** [http://www.unclaimed.org/holders/state\\_contacts.asp](http://www.unclaimed.org/holders/state_contacts.asp)

**For a directory of names and addresses for each state's Attorney General's office:** [http://www.naag.org/ag/full\\_ag\\_table.php](http://www.naag.org/ag/full_ag_table.php)

❖ Some museum objects contain materials derived from endangered or threatened species. For information on federal laws protecting wildlife, and the possession, sale, and movement of objects containing their materials, contact the U.S. Fish and Wildlife Service [<http://www.fws.gov/>], (800) or (703) 358-2104. Supplied below are several of the acts protecting wildlife. For a complete list, see: <http://laws.fws.gov/lawsdigest/indx.html>.

- African Elephant Conservation Act [16 USC 4201-4245]: <http://laws.fws.gov/lawsdigest/elephnt.html>
- Bald Eagle Protection Act [16 USC 668]: <http://laws.fws.gov/lawsdigest/baldegl.html>
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES): <http://laws.fws.gov/lawsdigest/treaty.html#CITES>
- Endangered Species Act [16 USC 1531 *et seq.*]: <http://laws.fws.gov/lawsdigest/esact.html>
- The Lacey Act [18 USC 42; 16 U.S.C. 3371-3378]: <http://www.animallaw.info/topics/spuslaceyact.htm>
- Marine Mammal Protection Act [16 USC 1361 *et seq.*]: <http://laws.fws.gov/lawsdigest/marmam.html>
- Migratory Bird Treaty Act [16 USC 703-712]: <http://laws.fws.gov/lawsdigest/migtrea.html>

For help regarding objects containing materials derived from endangered or threatened species, direct questions online to PERMIT-L. This is a moderated listserv, hosted by the Smithsonian Institution. To join, send email to [LISTSERV@SIVM.SI.EDU](mailto:LISTSERV@SIVM.SI.EDU). No subject is required. In the body, issue the command: `Subscribe PERMIT-L Firstname Surname [e.g., Subscribe PERMIT-L John Smith]`

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❖ Does the old loan legislation (remember, in some states these laws cover undocumented objects), or unclaimed or abandoned property law in your state provide a means for triggering the running of a period in which an owner must claim the property or lose ownership? If so, you may consider starting the statute of limitations running on your undocumented object(s) by making a record of the object(s) as of the current date. The following page contains a sample affidavit form that can be modified to fit your institution's needs.

Attach photo of object to back of Affidavit

**MUSEUM OF HISTORY**

Office of the Registrar • 0000 Street, Anywhere, ST 00000  
Telephone (000) 000-0000 • Fax (000) 000-0000 • E-mail: registrar@moh.org

**AFFIDAVIT**

**OBJECT:** \_\_\_\_\_

**Material/Media:** \_\_\_\_\_ **ID Number (if any):** \_\_\_\_\_

**DIMENSIONS:** H. \_\_\_\_\_ W. \_\_\_\_\_ L. \_\_\_\_\_ **DIA.** \_\_\_\_\_ **Weight** \_\_\_\_\_

The information supplied in the body of the affidavit should be based on the personal knowledge of the witness(es) signing the declaration and should include, as thoroughly and to the best of the witness'(es)' knowledge:

- The witness's connection to the museum
  - When the object was seen in the museum for the first time by the witness(es)
  - Where the object was seen for the first time by the witness(es)
  - The circumstances under which the object was seen

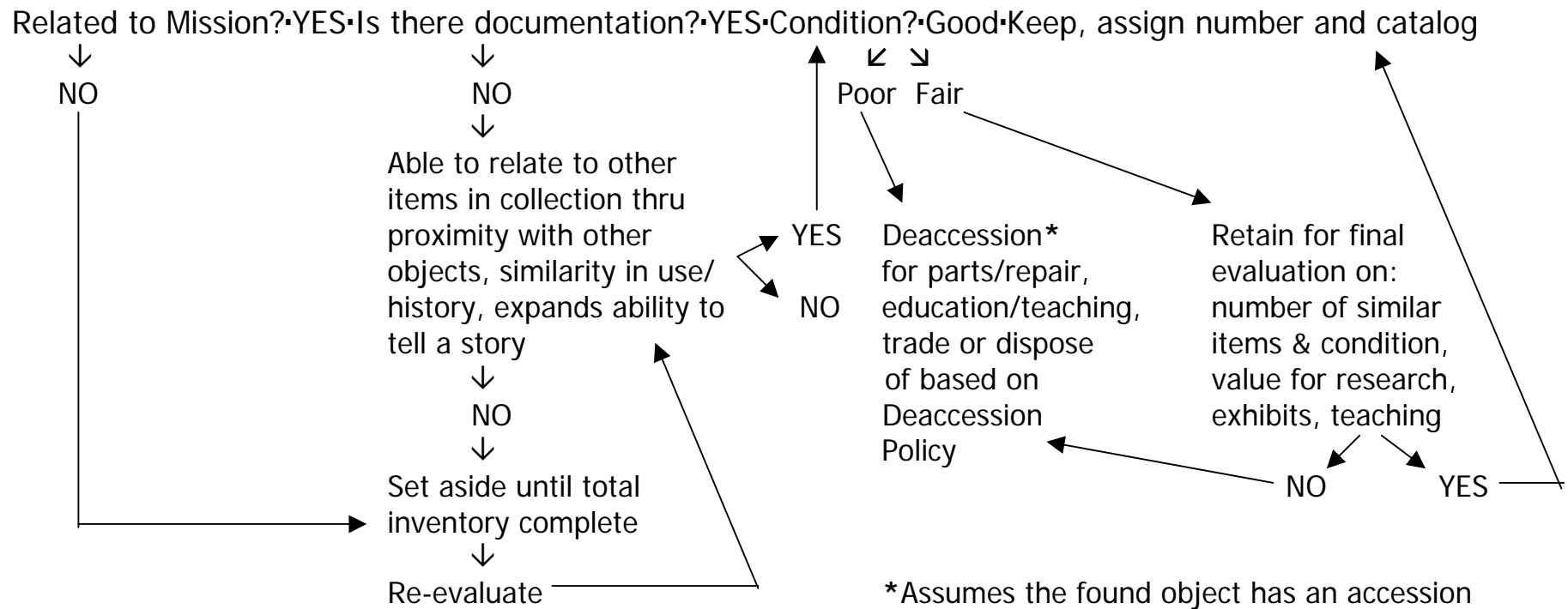
I declare under penalty of perjury of the law that the abovementioned information if true and correct

\_\_\_\_\_  
Name and Address of witness

\_\_\_\_\_  
Signature and Date

❖ The following chart, or “decision map,” illustrates the path an FIC object could travel to reconciliation.<sup>14</sup>

## “FOUND IN COLLECTIONS” – A DECISION MAP ON HOW TO HANDLE OBJECTS FOUND IN MUSEUM



AAM Annual Meeting, St. Louis, MO; May 6-10, 2001  
 “Found In Collections-Recurring Nightmare or Golden Opportunity?”, Tuesday, May 8, 2001, 1:45 – 3:00 p.m.  
 Decision Map developed by Mary Ellen Conaway with a lot of collegial help, 2/2001

\*Assumes the found object has an accession number. If it does not, deaccessioning is not relevant. Keep a permanent record of all objects removed from the collections with a record of all pertinent data (object, size, color, name, uses, how disposed of {including all transfer or donation paper work} and photo).

<sup>14</sup> As stated above, this “decision map” was developed by Mary Ellen Conaway and given as a handout at a 2001 AAM Annual Meeting session on FIC objects. Permission to use here granted by author.

