

Property and Conveyances

Publication of a notice of an application for a lease of the Catawba Indians land 27-15-50

If the Catawba Indians land lease is lost or otherwise not in power than an application may be filled out for a grant to be issued for the leasing of that land. A public notice of this application needs to be published in at least one if not more newspapers in that county for at least three months preceding the application.

Section When	Notice	Where	
27-15-50	A public notice of application for the issuing of a grant to lease land	One or more newspapers in the county	At least three months prior to the application

Exact wording:

“If any lessee of the Catawba Indian lands, being in possession, shall not have it in his power to deposit the lease under which he holds, as required by Section 27-15-40, by reason of its loss or otherwise, such person shall file in the office of the Secretary of State a notice of his intention to apply for the issuing of a grant and shall publish such notice in one or more of the newspapers of the county in which such land is situated for at least three months before the time of such intended application. Such notice shall set forth the cause of the inability of such person to produce such lease and shall be verified by the oath of the applicant. And such grant shall thereupon issue if the person applying be otherwise entitled thereto, provided, that if any other person shall, within five years from the issuing of such grant, produce a lease of the premises so granted, such grant shall thereupon become null and void.”

Publication of a notice concerning abandoned property 27-18-190

The State Treasurer, agents or any representatives of The State Treasurer should publish a notice on any unclaimed or abandoned property. The notice needs to be placed in a newspaper of general circulation in the county that the last known address of the “owner” can be found. If no address exists than the notice must be published in the county where the holder of the property is found and be placed no later than April 30 in the year following the collected report (27-18-180.) The notice needs to be in a form that states: the name of each person that the property appears to belong to (“owner”), the last known whereabouts of the “owners,” an explanation of the property and a statement explaining that it is available for pick up by the “owner” or a beneficiary.

Section When	Notice	Where	
17-18-190	A notice of abandoned or unclaimed property	A newspaper in the county that either the last known address of the owner is found	No later than the thirtieth of April following the year a report was made

		or the address of the holder of the property	
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Exact wording:

“(A) The administrator shall publish a notice not later than April 30 of the year immediately following the report required by Section 27-18-180 at least once in a newspaper of general circulation in the county of this State in which is located the last known address of any person named in the notice. If a holder does not report an address for the apparent owner, or the address is outside this State, the notice must be published in the county in which the holder has its principal place of business within this State or another county that the administrator reasonably selects.

(B) The notice must be in a form that, in the judgment of the administrator, is likely to attract the attention of the apparent owner of the unclaimed property. The form must contain:

- (1) the name of each person appearing to be the owner of the property, as set forth in the report filed by the holder;
 - (2) the last known address or location of each person appearing to be the owner of the property, if an address or location is set forth in the report filed by the holder;
 - (3) a statement explaining that property of the owner is presumed to be abandoned and has been taken into custody of the administrator; and
 - (4) a statement that information about the property and its return to the owner is available to a person having a legal or beneficial interest in the property upon request to the administrator.
- (C) The administrator is not required to publish the name and address or location of property having a total value of less than fifty dollars or information concerning a traveler's check, money order, or similar instrument.”

**Publication of the sale of abandoned property
27-18-230**

If abandoned property is not claimed after three years it may be put up for sale. A public notice of any type of sale by The State Treasurer or its agents and representatives must be first published in a newspaper of general circulation in the county it is to be sold in. This needs to be done at least three weeks before the sale.

Section When	Notice	Where
27-18-230	A public notice for any type of sale of abandoned property	A newspaper with a general circulation that the property will be sold

Exact wording:

“(A) Except as provided in subsections (B) and (C), the administrator, within three years after the receipt of abandoned property, shall sell it to the highest bidder at public sale in whatever municipality in the State affords in the judgment of the administrator the most favorable market for the property involved. The administrator may decline the highest bid and reoffer the property for sale if in the judgment of the administrator the bid is insufficient. If in the judgment of the administrator the probable cost of sale exceeds the value of the property, it need not be offered for sale. Any sale held under this section must be preceded by a single publication of notice, at least three weeks in advance of sale, in a newspaper of general circulation in the county in which the property is to be sold.”

Publication of a notice on returned land

“(a) The commission shall prescribe reasonable rules after a public hearing with notice of it published once in a newspaper with statewide circulation not less than five days nor more than fifteen days before the hearing and mailed to all subdividers not less than five days nor more than fifteen days before the public hearing. The rules shall include, but not be limited to, provisions for advertising standards to assure full and fair disclosure; provisions for escrow or trust agreements or other means reasonably to assure that all improvements referred to in the application for registration and advertising will be completed and that purchasers will receive the interest in land contracted for; provisions for operating procedures; and other rules as are necessary and proper to accomplish the purpose of this chapter.”

Notification of obligor; perfection of notice (reference to vacation timeshare estates)
27-32-330

A trustee in this section has to give notice of intent to sell foreclosure property in reference to vacation timeshare estates. The trustee has to attempt to notify the “obligor” (one who is obligated to the estate) by mail, if this cannot be done than a notice needs to be published in a newspaper within the county where the estate is located. The notice must be published once a week for two continuous weeks.

Section When	Notice	Where	
27-32-330	A notice of intent to sell on foreclosure property	A newspaper with general circulation where the property is located	Once a week for two continuous weeks only after efforts to contact by mail failed

Exact wording:

“(E) If the trustee is unable to perfect notice pursuant to either subsection (A) or subsection (B) because the copy of the notice mailed by certified or registered mail is returned by the United States Post Office as “undeliverable” or for any other reason and if by a diligent search and inquiry the trustee cannot obtain a different address for the obligor for service required by subsection (A), the trustee may perfect notice by publication in a newspaper of general circulation in the county in which the timeshare estate is located. The notice must appear once a week for two successive weeks. A copy of the notice must be sent to the obligor by first class mail to the notice address of the obligor and to any other address of the obligor obtained through the trustee's diligent search and inquiry. If notice is perfected by publication under this subsection, the trustee must attach an affidavit of publication to the certificate of compliance set forth in Section 27-32-340 and must state that the notice was perfected by publication after diligent search and inquiry was made for the obligor's address, attaching the returned envelope with the notation from the United States Post Office. No other action of the trustee is necessary to perfect notice. If the diligent search and inquiry has produced an address different from the notice address, that address may be used in lieu of the notice address of the obligor for subsequent mailings required under this article.”

Publication of notice of sale (reference to vacation timeshare estates)
27-32-335

After all notification procedures have been met the trustee must give a notice of the sale of vacation timeshare estates. The trustee can do so by publishing the notice in a newspaper in the county that the sale is being held. This must be done once a week for two continuous weeks prior to the sale with the last publication placed five days before the sale.

Section When	Notice	Where
27-32-335	A notice of sale on foreclosure property	

Exact wording:

(E) The trustee must publish the notice of sale in a newspaper of general circulation in the county in which the sale is to be held once a week for two consecutive weeks prior to the date of the sale. The last publication must occur at least five days prior to the sale.

(A) The notice of sale must set forth:

- (1) the names and notice addresses of the obligor, the record owner of the timeshare estate if different from the obligor, and the junior interest holders;
- (2) the name and address of the trustee;
- (3) a description of the existence of a default under the mortgage, the timeshare instrument, or applicable law;
- (4) the official record book and page numbers where the mortgage or the claim of lien is recorded;
- (5) the legal description of the timeshare estate;
- (6) the amount secured by the mortgage or the assessment lien, whichever is being foreclosed, accrued interest, and late charges as of the date of notice of sale and including a per diem amount to account for further accrual of interest and late charges, advances for the payment of taxes, insurance, and maintenance of the timeshare estate, and cost of the sale including a title search fee and reasonable trustee's and attorney's fees and costs;
- (7) a statement of the trustee's intention to sell the timeshare estate to satisfy the obligation;
- (8) the date, time, and place of sale to be held after 9:00 a.m. but before 4:00 p.m. on a regular business day not less than thirty days after the recording of the notice of sale.

Notice of proposed removal

27-43-10

If necessary and approved by the governing body than removal of graves on a persons land is acceptable. Thirty days notice needs to be given to the relatives of the deceases. If the relatives whereabouts are unknown than thirty days notice must be published in a newspaper of general circulation in the county where the land is situated.

Section When	Notice	Where
27-43-10	A notice of the removal of graves from an owners land	A newspaper with a general location where the land is situated Thirty days notice must be given

“A person who owns land on which is situated an abandoned cemetery or burying ground may remove graves in the cemetery or ground to a suitable plot in another cemetery or suitable location if:

- (2) Thirty days' notice of removal is given to the relatives of the deceased persons buried in the graves, if they are known. If no relatives are known, thirty days' notice must be published in a newspaper of general circulation in the county where the property lies. If no newspaper is published in the county, notice must be posted in three prominent places in the county, one of which must be the courthouse door.”

Notice of known lender of intent to terminate loans and claim title to loaned property

27-45-30

A non-profit organization that holds cultural property that has been abandoned must put forth effort to notify the lender of the property before claiming any title. An attempt may be made by publishing a notice of the property in a newspaper of general circulation in the organization’s county along with the lender’s county. The notice should give the name and last address of the lender, a description of the abandoned property and a statement explaining that if there is no proof of ownership by the lender within 120 days after the fourth publication than the property belongs to the organization.. The notice should be placed once a week for four weeks.

Section When	Notice	Where
27-45-30	A notice of intent from a non-profit organization to claim a title to abandoned cultural property.	A newspaper with general circulation located in the organization’s county and the lender’s last known county.

Exact wording:

“(A) A nonprofit organization holding abandoned cultural property shall attempt to notify the lender of intent to terminate the loan through the following methods before claiming title to the property: (3) by publishing notice and listing of the property in:

(a) one newspaper of general circulation in the county in which the nonprofit organization is located for at least once a week for four weeks and in the county of the lender's last known address; and (b) a publication or catalogue of the nonprofit organization.

(B) The notice required by subsection (A) must contain: (1) the name and last known address, if any, of the last known owner of the property; (2) a description of the property; and (3) a statement that if proof of claim is not presented in writing by the lender, his heirs or assignees to the nonprofit organization, and if the owner's right to receive the property is not established to the nonprofit organization's satisfaction within one hundred twenty days from the date of the fourth published notice in newspapers, the property is considered abandoned and becomes the property of the nonprofit organization.”

Notice to unknown lender of intent to terminate loan and claim title to loaned property
27-45-40

If the lender of a non-profit organization’s abandoned cultural property is unknown, the organization has held the property for ten years or more with no contact and they have attempted to locate the owner, they can claim title to the property. When attempting to locate the unknown owner a notice must be published in a newspaper situated in the organization’s county once a week for four weeks. A description of the property and a statement explaining that if contact is not made within 120 days after the fourth publication than the title belongs to the organization

Section When	Notice	Where
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27-45-40	A notice of intent from a non-profit organization to claim title ship for abandoned cultural property where the lender is not known.	A newspaper with a general circulation located in the organization's county	At least once a week for four weeks
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Exact wording:

“(A) If a nonprofit organization does not have records identifying the lender of cultural property and the nonprofit organization has demonstrated its possession of the property for at least ten years without any contact by the lender, the nonprofit organization shall attempt to notify the lender of intent to terminate the loan before claiming title to the property by publishing a notice and listing of the property in: (1) one newspaper of general circulation in the county in which the nonprofit organization is located for at least once a week for four weeks; and (2) a publication or catalogue of the nonprofit organization. (B) The notice required by subsection (A) must contain: (a) a description of the property; and (b) a statement that if proof of claim is not presented in writing by the lender, his heirs or assignees to the nonprofit organization, and if the owner's right to receive the property is not established to the satisfaction of the nonprofit organization within one hundred twenty days from the date of the fourth published notice, the property is considered abandoned and becomes the property of the nonprofit organization.”