

## **IC 32-34-8**

### **Chapter 8. Finding Strays or Property Adrift**

#### **IC 32-34-8-1**

##### **Advertisement for animal or article found**

Sec. 1. A person who finds a stray horse, mule, ass, sheep, hog, cattle, or goat, or any other article of value, shall, within five (5) days after finding the animal or article, advertise the animal or article in writing in three (3) of the most public places in the township where the animal or article was found, stating the time the animal or article was found and giving a description of the animal or article.

*As added by P.L.2-2002, SEC.19.*

#### **IC 32-34-8-2**

##### **Unclaimed property; report to court; warrant and appointment for appraisal**

Sec. 2. (a) If the owner does not claim the property described in section 1 of this chapter within fifteen (15) days after the date the property is found, the finder shall report the property to a court with jurisdiction in the county where the property was found.

(b) The court shall issue a warrant to three (3) householders of the neighborhood not related to the finder (unless persons not related to the finder are not available) directing any two (2) of the householders to appraise the property. The appointed householders shall appraise the property and provide in writing to the court a report containing the following information:

- (1) A clear description of the property.
- (2) The householders' valuation of the property.
- (3) A declaration under oath that the appraisal and description were made without partiality, favor, or affection.

*As added by P.L.2-2002, SEC.19.*

#### **IC 32-34-8-3**

##### **Oath of finder**

Sec. 3. The finder must, at the time the householders make the report required by section 2(b) of this chapter, state under oath that the finder has no knowledge that the marks, brands, or appearance of the property have been altered by the finder or any other person since the property was lost, except for the changes stated in the householders' written report.

*As added by P.L.2-2002, SEC.19.*

#### **IC 32-34-8-4**

##### **Unclaimed stray horse, mule, or ass taken to pound**

Sec. 4. The finder of an unclaimed stray horse, mule, or ass that is at least two (2) years of age shall take the animal to the pound of the proper county and keep the animal at the pound from 11 a.m. until 3 p.m. on the first day of each of the two (2) succeeding terms of the circuit court after finding the stray.

*As added by P.L.2-2002, SEC.19.*

#### **IC 32-34-8-5**

##### **Description, valuation, and fee**

Sec. 5. A court receiving the property report prepared under section 2 (b) of this chapter shall, within ten (10) days, transmit to the clerk of the circuit court a copy of the description and valuation of the property, together with the proper fee. The clerk shall enter the description and appraisal in a book to be kept for that purpose.

*As added by P.L.2-2002, SEC.19.*

#### **IC 32-34-8-6**

##### **Advertisement; value exceeding \$10**

Sec. 6. Property described in section 1 of this chapter that is greater than ten dollars (\$10) in value must be advertised in a newspaper of the county, if there be one, and if not, in a paper in Indiana nearest the county where the property was found. The clerk shall forward to the printer a copy of the register that is marked on the outside, "Stray Property," together with a fee of one dollar (\$1) out of which the printer shall pay postage.

*As added by P.L.2-2002, SEC.19.*

#### **IC 32-34-8-7**

##### **Title to property**

Sec. 7. If the provisions of this chapter are complied with, title to:

- (1) an article described in section 1 of this chapter that is not more than twelve dollars (\$12) in value and that remains unclaimed or unproven by the owner within ninety (90) days after the property is found; or
- (2) a stray animal described in section 1 of this chapter that is equal to or less than ten dollars (\$10) in value and that remains unclaimed or unproven by the owner within one (1) year after the property is found;

vests in the finder.

*As added by P.L.2-2002, SEC.19.*

#### **IC 32-34-8-8**

##### **Unclaimed property and strays reported to court**

Sec. 8. If:

- (1) an article described in section 1 of this chapter has an appraised value greater than twelve dollars (\$12) and is not claimed and proven within ninety (90) days after the day the article is found; or
- (2) a stray animal other than a horse, a mule, or an ass has an appraised value greater than ten dollars (\$10) and is not claimed and proven within six (6) months after the animal is found;

the finder shall report that information to a court with jurisdiction where the property was initially found not later than five (5) days after the expiration of the time specified in this section.

*As added by P.L.2-2002, SEC.19.*

#### **IC 32-34-8-9**

### **Sale of property; proceeds distribution; receipts**

Sec. 9. (a) The court shall issue a warrant to the sheriff to sell the property at auction, giving ten (10) days notice in writing of the time and place of sale and describing the property to be sold.

(b) The sheriff shall, within five (5) days after the sale, return the order and proceeds of sale to the court, retaining one dollar (\$1) for the sheriff's services.

(c) The court shall immediately pay over to the county treasurer the proceeds of sale, after deducting the proper amount to be paid to the finder, fifty cents (\$0.50) for the fee of the judge of the court and, for every mile that the judge must travel in making the return, a sum for mileage equal to that sum per mile paid to state officers and employees.

(d) The court shall receive from the treasurer duplicate receipts and file one (1) receipt in the office of the clerk of the circuit court and one (1) receipt with the county auditor.

*As added by P.L.2-2002, SEC.19.*

### **IC 32-34-8-10**

#### **Sale of horse, mule, or ass if value exceeds \$20; proceeds distribution; receipts**

Sec. 10. (a) If a horse, a mule, or an ass that has an appraised value greater than twenty dollars (\$20) remains unclaimed or unproven twelve (12) months after the date the horse, mule, or ass was found, the finder shall deliver the horse, mule, or ass to the sheriff of the proper county on the first day of the term of the circuit court after the expiration of the twelve (12) month period.

(b) The sheriff shall sell the horse, mule, or ass delivered under subsection (a) at a public sale.

(c) After retaining one dollar (\$1) for the sheriff's services and paying to the finder the charges as provided by this chapter, the sheriff shall pay the proceeds of the sale to the treasurer of the county within five (5) days after the sale.

(d) The sheriff shall receive from the treasurer duplicate receipts and file one (1) receipt in the clerk's office and the other receipt with the county auditor.

*As added by P.L.2-2002, SEC.19.*

### **IC 32-34-8-11**

#### **County stray fund**

Sec. 11. The county treasurer shall enter all sums paid under this chapter to the credit of the county stray fund.

*As added by P.L.2-2002, SEC.19.*

### **IC 32-34-8-12**

#### **Finder's fee**

Sec. 12. (a) The finder's fee is as follows:

- (1) For each horse, mule or ass, one dollar (\$1).
- (2) For each head of neat cattle, fifty cents (\$0.50).
- (3) For each sheep, goat, or hog more than six (6) months old,

ten cents (\$0.10).

(b) If the owner reclaims and proves the property before the property is posted, the finder is allowed half of the appropriate amount listed in subsection (a).

*As added by P.L.2-2002, SEC.19.*

### **IC 32-34-8-13**

#### **Reward of finder; right to jury determination**

Sec. 13. (a) The finder of an article described in section 1 of this chapter is allowed a reasonable sum, as determined by a court with jurisdiction where the property was initially found.

(b) Either the claimant or the finder may have a jury determine what amount is just and reasonable for finding and taking care of the property.

*As added by P.L.2-2002, SEC.19.*

### **IC 32-34-8-14**

#### **Court fees**

Sec. 14. (a) If the property described in section 13 of this chapter is greater than three dollars (\$3) in value, the finder of the property shall pay to the court, at the time of reporting, fifty cents (\$0.50) for the judge of the court, fifty cents (\$0.50) for the clerk, and one dollar (\$1) for the printer where printing is required.

(b) If the value of the property described in section 13 of this chapter is less than three dollars (\$3), the court may not make a return to the clerk and the fee is twenty-five cents (\$0.25).

*As added by P.L.2-2002, SEC.19.*

### **IC 32-34-8-15**

#### **Register of stray animals and found articles**

Sec. 15. (a) The clerk shall keep a register of stray animals and found articles.

(b) If several strays or articles are found by one (1) person, there may be only one (1) entry, one (1) advertisement, one (1) fee of the clerk, and one (1) fee of the judge.

*As added by P.L.2-2002, SEC.19.*

### **IC 32-34-8-16**

#### **Compensation for finder**

Sec. 16. If found property is sold or reclaimed, the finder is allowed just and reasonable compensation for keeping the property as determined by the court with jurisdiction where the property was initially found. The finder shall:

(1) keep account of the time a stray animal is kept by the finder;  
and

(2) state the time to the court under oath.

*As added by P.L.2-2002, SEC.19.*

### **IC 32-34-8-17**

#### **Compensation for services of animal**

Sec. 17. (a) If an animal is found under the provisions of this chapter and worked by the finder, a reasonable compensation shall be allowed for the services of the animal. The compensation shall be deducted from the cost of keeping the animal.

(b) The finder, if required, shall verify, under oath, the time the animal worked.

*As added by P.L.2-2002, SEC.19.*

#### **IC 32-34-8-18**

##### **Reclaiming property; proof**

Sec. 18. (a) At any time before sale, the owner may have the property by proving ownership in the court where the finding was reported under this chapter and paying the charges required by this chapter.

(b) At any time up to two (2) years after the date of sale, the owner may reclaim the money paid into the treasury by proper proof before the county auditor.

*As added by P.L.2-2002, SEC.19.*

#### **IC 32-34-8-19**

##### **Limitations; time and place of taking up animals**

Sec. 19. (a) Except as provided in subsection (c), a person may not:

(1) take up any horse or stock under this chapter except at the person's place of residence; or

(2) drive any horse or stock out of the woods and take them up under this chapter.

(b) Except as provided in subsection (c), an animal may not be taken up under this chapter between the first day of April and the first day of November unless the animal is found in the enclosure of the person who takes up the animal.

(c) When any animal may be in the act of escaping from the owner, it may be taken up at any time, wherever found.

*As added by P.L.2-2002, SEC.19.*

#### **IC 32-34-8-20**

##### **Limitation on removal of property from county**

Sec. 20. The finder, until the finder becomes the property's owner, may not take the found property or allow the property to be taken out of the county where the property was found for longer than three (3) days at any time.

*As added by P.L.2-2002, SEC.19.*

#### **IC 32-34-8-21**

##### **Fatted hogs**

Sec. 21. (a) Fatted hogs that are found may, at the option of the finder, be killed one (1) month after posting.

(b) If fatted hogs are killed under subsection (a), the finder shall, immediately after killing the hogs, pay the hogs' appraised values, deducting costs and charges (to be liquidated as in other cases) to the

county treasurer for the use of the owner.  
*As added by P.L.2-2002, SEC.19.*

#### **IC 32-34-8-22**

##### **Stock hogs**

Sec. 22. Stock hogs that are found may, at the option of the finder, be purchased by the finder, six (6) months after posting, at the hogs' appraised value, deducting the costs allowed by this chapter for finding the hogs but without an allowance for keeping the hogs.  
*As added by P.L.2-2002, SEC.19.*

#### **IC 32-34-8-23**

##### **Shipwrecked property; inapplicability**

Sec. 23. (a) Sections 1 through 22 of this chapter do not apply to property described in this section.

(b) If, upon any navigable waters within or bordering Indiana, cargo that is shipped as freight, the baggage of passengers, or a part of either of a vessel is cast adrift, afloat, or ashore by a wreck, accident, or mischance of the vessel, the cargo or part of the cargo found and secured by a person may be reclaimed by the captain, clerk, or officer navigating the vessel, the super cargo, or the owner or agent of the owner of the cargo or baggage.

(c) If the property described in this section is not claimed within seven (7) days after the property is found, the finder of the property shall advertise the property as required for articles described in section 1 of this chapter.

*As added by P.L.2-2002, SEC.19.*

#### **IC 32-34-8-24**

##### **Shipwrecked property; surrender upon proof; finder's compensation**

Sec. 24. A person who finds property described in section 23 of this chapter shall surrender the property to a claimant upon proof, or circumstances satisfactory to the finder, of the right of the claimant to the property, and after the payment by the claimant of reasonable compensation for services or expenses in connection with the finding and preserving of the property.

*As added by P.L.2-2002, SEC.19.*

#### **IC 32-34-8-25**

##### **Refusal to return property; summary proceedings**

Sec. 25. If a person with possession of the property refuses to return the property to the claimant or claims unreasonable compensation for the services and expenses in the finding and preservation of the property, the claimant may have a summary proceeding before:

- (1) the court where the property was reported under this chapter if the property was reported; and
- (2) any court with jurisdiction where the property is located if the property was not reported to a court under this chapter;

for the recovery of the property.  
*As added by P.L.2-2002, SEC.19.*

#### **IC 32-34-8-26**

##### **Affidavit of claimant; summons of finder or person in possession of property**

Sec. 26. (a) The claimant must file before the court specified under section 25 of this chapter an affidavit of the facts attending the wreck or accident, enumerating as nearly as possible the articles or packages in the possession of the finder and the claimant's right to recover the property.

(b) The court shall summon the person who found or is in possession of the property to appear before the court at a place and at the earliest practicable time, as designated in the writ, but not more than three (3) days after the date of the writ.

*As added by P.L.2-2002, SEC.19.*

#### **IC 32-34-8-27**

##### **Hearing**

Sec. 27. (a) The court shall hear and determine the matters in controversy in the most speedy manner practicable, as other proceedings are determined before the court.

(b) The court may fix the amount of compensation the claimant must pay and award a writ, or writs, for the delivery of the property to the claimant upon payment of the compensation.

*As added by P.L.2-2002, SEC.19.*

#### **IC 32-34-8-28**

##### **Rules of trial procedure govern**

Sec. 28. (a) The trial described in section 27 of this chapter is governed by the Indiana rules of trial procedure, except as to continuances.

(b) Appeals may be taken by either party upon the same terms and under the same rules as appeals in other civil cases are taken.

*As added by P.L.2-2002, SEC.19.*

#### **IC 32-34-8-29**

##### **Appraiser compensation**

Sec. 29. An appraiser appraising property in accordance with section 2 of this chapter shall receive compensation for the appraisal services in the sum of fifty cents (\$0.50) to be paid the same manner as other expenses involved in the finding of strays.

*As added by P.L.2-2002, SEC.19.*