

place of such person's domicile or under the laws of the State or dependency of the United States within the exterior boundaries of which such premises or a part thereof may be, the personal property of such decedent situated upon such premises shall vest in the person or persons entitled thereto under the provisions of such last will and testament; and

(2) if such person died leaving any such property not disposed of by a last will and testament probated in accord with the provisions of paragraph (1) such property shall vest in the persons entitled to take such property by inheritance under and upon the conditions provided by the law of the decedent's domicile. This paragraph shall not apply to property to which the United States is entitled except where such title is divested out of the United States.

(b) Any officer or employee of the United States in possession of any such property may deliver same to the executor (or the administrator with will annexed) who shall have qualified in either jurisdiction as provided in subsection (a)(1); or if none such then to the domiciliary administrator or to any other qualified administrator who shall demand such property. When delivery shall have been made to any such executor or administrator in accordance with this subsection, neither the United States nor any officer or employee thereof shall be liable therefor.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1256, §5201; Pub. L. 99-576, title VII, §701(93), Oct. 28, 1986, 100 Stat. 3299; renumbered §8501, Pub. L. 102-40, title IV, §402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102-83, §4(a)(3), (4), Aug. 6, 1991, 105 Stat. 404.)

AMENDMENTS

1991—Pub. L. 102-40 renumbered section 5201 of this title as this section.

Subsec. (a). Pub. L. 102-83 substituted "Department" for "Veterans' Administration" in introductory provisions.

1986—Subsec. (a)(1). Pub. L. 99-576 substituted "such person's" for "his".

§ 8502. Disposition of unclaimed personal property

(a) Notwithstanding the provisions of section 8501 of this title, the Secretary may dispose of the personal property of such decedent left or found upon such premises as hereafter provided in this subchapter.

(b) If any veteran (admitted as a veteran), or a dependent or survivor of a veteran receiving care under the penultimate sentence of section 1781(b) of this title, upon such person's last admission to, or during such person's last period of maintenance in, a Department facility, has personal property situated on such facility and shall have designated in writing a person (natural or corporate) to receive such property when such veteran, dependent or survivor dies, the Secretary or employee of the Department authorized by the Secretary so to act, may transfer possession of such personal property to the person so designated. If there exists no person so designated by such veteran, dependent, or survivor or if the one so designated declines to receive such property, or failed to request such

property within ninety days after the Department mails to such designate a notice of death and of the fact of such designation, a description of the property, and an estimate of transportation cost, which shall be paid by such designate if required under the regulations herein-after mentioned, or if the Secretary declines to transfer possession to such designate, possession of such property may in the discretion of the Secretary or the Secretary's designated subordinate, be transferred to the following persons in the order and manner herein specified unless the parties otherwise agree in writing delivered to the Department, namely, executor or administrator, or if no notice of appointment received, to the spouse, children, grandchildren, parents, grandparents, siblings of the veteran. If claim is made by two or more such relatives having equal priorities, as hereinabove prescribed, or if there are conflicting claims the Secretary or the Secretary's designee may in such case deliver the property either jointly or separately in equal values, to those equally entitled thereto or may make delivery as may be agreed upon by those entitled, or may in the discretion of the Secretary or the Secretary's designee withhold delivery from them and require the qualification of an administrator or executor of the veterans' estate and thereupon make delivery to such.

(c) If the property of any decedent is not so delivered or claimed and accepted the Secretary or the Secretary's designee may dispose of such property by public or private sale in accordance with the provisions of this subchapter and regulations prescribed by the Secretary.

(d) All sales authorized by this subchapter shall be for cash upon delivery at the premises where sold and without warranty, express or implied. The proceeds of such sales after payment of any expenses incident thereto as may be prescribed by regulations, together with any other moneys left or found on a facility, not disposed of in accordance with this subchapter, shall be credited to the General Post Fund, National Homes, Department of Veterans Affairs, a trust fund provided for in section 1321(a)(45) of title 31. In addition to the purposes for which such fund may be used under the existing law, disbursements may be made therefrom as authorized by the Secretary by regulation or otherwise for the purpose of satisfying any legal liability incurred by any employee in administering the provisions of this subchapter, including any expense incurred in connection therewith. Legal liability shall not exist when delivery or sale shall have been made in accordance with this subchapter.

(e) If, notwithstanding such sale, a claim is filed with the Secretary within five years after notice of sale as herein required, by or on behalf of any person or persons who if known would have been entitled to the property under section 8501 of this title or to possession thereof under this section, the Secretary shall determine the person or persons entitled under the provisions of this subchapter and may pay to such person or persons so entitled the proceeds of sale of such property, less expenses. Such payment shall be made out of the said trust fund, and in accord with the provisions of this section or section 8501 of this title. Persons under legal disability to sue in their own name may make

claim for the proceeds of sale of such property at any time within five years after termination of such legal disability.

(f) Any such property, the sale of which is authorized under this subchapter and which remains unsold, may be used, destroyed, or otherwise disposed of in accordance with regulations promulgated by the Secretary.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1257, § 5202; Pub. L. 94-581, title II, § 208(a), Oct. 21, 1976, 90 Stat. 2860; Pub. L. 97-258, § 3(k)(9), Sept. 13, 1982, 96 Stat. 1066; Pub. L. 99-576, title VII, § 701(94), Oct. 28, 1986, 100 Stat. 3299; renumbered § 8502 and amended Pub. L. 102-40, title IV, § 402(b)(1), (d)(1), May 7, 1991, 105 Stat. 238, 239; Pub. L. 102-54, § 14(f)(11), June 13, 1991, 105 Stat. 288; Pub. L. 102-83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 103-446, title XII, § 1201(i)(11), Nov. 2, 1994, 108 Stat. 4689; Pub. L. 107-135, title II, § 208(e)(9), Jan. 23, 2002, 115 Stat. 2464.)

AMENDMENTS

2002—Subsec. (b). Pub. L. 107-135 substituted “the penultimate sentence of section 1781(b)” for “the last sentence of section 1713(b)”.

1994—Subsec. (d). Pub. L. 103-446 substituted “Department of Veterans Affairs,” for “Department.”

1991—Pub. L. 102-40, § 402(b)(1), renumbered section 5202 of this title as this section.

Subsec. (a). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Pub. L. 102-40, § 402(d)(1), substituted “8501” for “5201”.

Subsec. (b). Pub. L. 102-83, § 5(c)(1), substituted “1713(b)” for “613(b)”.

Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” and “Secretary’s” for “Administrator’s” wherever appearing.

Pub. L. 102-83, § 4(a)(3), (4), substituted “Department” for “Veterans’ Administration” wherever appearing.

Pub. L. 102-54 amended subsec. (b) as in effect immediately before the enactment of Pub. L. 102-40 by inserting a comma in second sentence before “namely.”

Subsec. (c). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” and “Secretary’s” for “Administrator’s” wherever appearing.

Subsec. (d). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Pub. L. 102-83, § 4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

Subsec. (e). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in two places.

Pub. L. 102-40, § 402(d)(1), substituted “8501” for “5201” in two places.

Subsec. (f). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

1986—Subsec. (b). Pub. L. 99-576, § 701(94)(A), in first sentence substituted “such person’s last” for “his last” in two places, inserted “has personal property situated on such facility and” before “shall have designated”, substituted “to receive such property when such veteran, dependent or survivor dies,” for “to whom he desires his personal property situated upon such facility to be delivered, upon the death of such veteran”, and substituted “the Administrator” for “him” after “authorized by”.

Pub. L. 99-576, § 701(94)(B)(i)-(iv), in second sentence substituted “by such veteran, dependent, or survivor” for “by the veteran”, struck out “if he has” before “failed to request”, and substituted “the Administrator’s” for “his” and “in writing delivered to the Veterans’ Administration” for “as provided in this subchapter”.

Pub. L. 99-576, § 701(94)(B)(v), which directed that second sentence of subsec. (b) be amended by substituting

“children, grandchildren, parents, grandparents, siblings” for “child, grandchild, mother, father, grandmother, grandfather, brother or sister”, was executed by substituting the new provisions for “child, grandchild, mother, father, grandmother, grandfather, brother, or sister”, to reflect the probable intent of Congress and the fact that a comma appears after “brother” in the former provisions.

Pub. L. 99-576, § 701(94)(C), struck out third sentence which read as follows: “In case two or more of those named above request the property, only one shall be entitled to possession thereof and in the order hereinbefore set forth, unless they otherwise agree in writing delivered to the Veterans’ Administration.”

Pub. L. 99-576, § 701(94)(D), in fourth sentence substituted “the Administrator’s designee may in such case deliver the property either jointly or separately in equal values, to those equally entitled thereto” for “his designee may in such case select the one to receive such possession,” and “in the discretion of the Administrator or the Administrator’s designee” for “in his discretion”.

Subsec. (c). Pub. L. 99-576, § 701(94)(E), substituted “the Administrator’s” for “his”.

1982—Subsec. (d). Pub. L. 97-258 substituted “section 1321(a)(45) of title 31” for “section 725(a)(45) of title 31”.

1976—Subsec. (b). Pub. L. 94-581 inserted “or a dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title,” after “(admitted as a veteran).”

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

§ 8503. Notice of provisions of this subchapter

All persons having or bringing personal property on the premises of a Department facility shall be given reasonable notice of the provisions of this subchapter. In case of a mentally incompetent person, notice hereof shall be given the guardian or other person having custody or control of such person or, if none, to such person’s nearest relative if known. The admission to or continued maintenance in such facility after reasonable notice of the provisions of this subchapter shall constitute consent to the provisions hereof. The death of any person on any such facility or the leaving of property thereon shall be prima facie evidence of a valid agreement for the disposition of such property in accordance with the provisions of this subchapter.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1258, § 5203; Pub. L. 99-576, title VII, § 701(95), Oct. 28, 1986, 100 Stat. 3300; renumbered § 8503, Pub. L. 102-40, title IV, § 402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102-83, § 4(a)(3), (4), Aug. 6, 1991, 105 Stat. 404.)

AMENDMENTS

1991—Pub. L. 102-40 renumbered section 5203 of this title as this section.

Pub. L. 102-83 substituted “Department” for “Veterans’ Administration”.

1986—Pub. L. 99-576 substituted “such person’s” for “his” in second sentence.

§ 8504. Disposition of other unclaimed property

Any other unclaimed property found on the premises under the control of the Department shall be stored by the officer in charge of such premises and may be sold, used, destroyed, or otherwise disposed of in accordance with regula-