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**2020 Edition**

# Abandoned, Lost or Unclaimed Property in Connecticut

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A Guide to Resources in the Law Library

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# Introduction

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- **“Lost property** has traditionally been defined as involving an involuntary parting, i.e. where there is no intent on the part of the loser to part with the ownership of the property . . . . **Abandonment**, in turn, has been defined as the voluntary relinquishment of ownership of property without reference to any particular person or purpose . . . i.e. a ‘throwing away’ of the property concerned . . . . while **mislaid property** is defined as that which is intentionally placed by the owner where he can obtain custody of it, but **afterwards forgotten.**” [Favorite v. Miller](#), 176 Conn. 310, 313, 407 A.2d 974 (1978). (Emphasis added.)
- **Treasure Trove:** “consists of coins or currency concealed by the owner . . . . It includes an element of antiquity . . . . To be classified as treasure trove, the property must have been hidden or concealed for such a length of time that the owner is probably dead or undiscoverable.” [Benjamin v. Lindner Aviation, Inc.](#), 534 N.W.2d 400, 406 (Iowa 1995).
- **Property embedded in the earth:** “Another line of cases holds that property, other than treasure trove, which is embedded in the earth is the property of the owner of the locus in quo . . . . The presumption in such cases is that possession of the article found is in the owner of the land and that the finder acquires no rights to the article found.” [Favorite v. Miller](#), 176 Conn. 310, 316, 407 A.2d 974 (1978).

# Section 1: Abandoned and Unclaimed Property

A Guide to Resources in the Law Library

## **SCOPE:**

Bibliographic resources relating to the procedures in Connecticut for claiming or disposing of abandoned or unclaimed personal property including escheat of property to the State of Connecticut. This section also includes the rights and duties of finders of abandoned or unclaimed property.

## **DEFINITIONS:**

- **Duties of finder:** "Any person who finds and takes possession of any article of the value of one dollar or more shall report the finding of such article to the police department of the municipality in which he finds such article within forty-eight hours from the time of such finding. The finder of such article shall, at the time of reporting, furnish to the police department the date, time and place of finding, his name and address and a description of the article found, and, within a period of one week from such finding, shall deliver such article to the police department. Any person who violates or fails to comply with the provisions of this section shall be guilty of a class D misdemeanor." Conn. Gen. Stat. § [50-10](#) (2019).
- **Escheat:** "Upon payment or delivery of property presumed abandoned to the Treasurer, the state shall assume custody and, except as otherwise provided in subsection (h) of section 3-65a, shall be responsible for all claims thereto." Conn. Gen. Stat. § [3-67a\(a\)](#) (2019).
- **Larceny:** "A person commits larceny when, with intent to deprive another of property or to appropriate the same to himself or a third person, he wrongfully takes, obtains or withholds such property from an owner. Larceny includes, but is not limited to. . .

"(4) Acquiring property lost, mislaid or delivered by mistake. A person who comes into control of property of another that he knows to have been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient is guilty of larceny if, with purpose to deprive the owner thereof, he fails to take reasonable measures to restore the property to a person entitled to it." Conn. Gen. Stat. § [53a-119](#) (2019).

## **STATUTES:**

- Conn. Gen. Stat. (2019)  
[Chapter 32. Treasurer](#)  
§ [3-59a](#). Property held by a business association or payable in the course of demutualization of an insurance company presumed abandoned, when.  
§ [3-61a](#). Property held by fiduciary presumed abandoned, when.

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

§ [3-64a](#). Property presumed abandoned generally.  
§ [3-65a](#). Duties of holder of abandoned property.  
§ [3-65b](#). Assessment of interest penalty for failure to report or deliver abandoned property as required. Exceptions.  
§ [3-70a](#). Claims for abandoned property.  
§ [3-73b](#). Effect of expiration of limitation period or period specified in contract.

#### Chapter 246. Motor Vehicles

§ [14-150](#). Abandoned or unregistered motor vehicles and motor vehicles which are a menace to traffic. Notice. Removal. Storage. Hearing. Lien. Affidavit of compliance. Sale. Regulations re title to abandoned motor vehicles and re disposal of motor homes or recreational vehicles abandoned at campgrounds.  
§ [14-150a](#). Removal of abandoned motor vehicles by municipalities. Notice.  
§ [14-151](#). State marshals and constables to enforce law concerning abandoned motor vehicles.

#### Chapter 268. Boating

§ [15-140c](#). Abandonment of vessel. Parties with standing. Abandoned vessel procedures. Online process. Hazardous waste designation. Violation; fine; exception.

#### Chapter 830. Rights and Responsibilities of Landlord and Tenant

§ [47a-11b](#). Abandonment of unit by occupants. Landlord's remedies.

#### Chapter 859. Lost and Unclaimed Property

§ 50-1. Disposition of perishable property.  
§ 50-2. Disposition of goods not perishable.  
§ 50-3. Expressmen and common carriers; goods not perishable.  
§ 50-4. Disposition of perishable goods.  
§ 50-5. Avails to be accounted for. Escheat.  
§ 50-8. Marine vegetable deposits.  
§ 50-9. Lost goods; towns may adopt procedure for.  
§ 50-10. Duties of finder.  
§ 50-11. Advertising; sale of perishable goods.  
§ 50-12. Restoration to owner if claimed.  
§ 50-13. Procedure if unclaimed.  
§ 50-14. Disposition after expiration of time for making claim.

#### **REGULATIONS:**

- Regulations of Connecticut State Agencies (2020)  
Title 14. Motor Vehicles. Use of Highway by Vehicles.

[Hearings Procedures for Motor Vehicles Taken into Custody Pursuant to Section 14-150](#)

You can visit your local law library or browse the [Connecticut eRegulations System](#) on the Secretary of the State website to check if a regulation has been updated.

- § 14-150-1. Definitions
- § 14-150-2 Qualifications, appointment and removal of hearing officers
- § 14-150-3 Hearing procedures
- § 14-150-4 Final decision
- § 14-150-5 Report of sale of an unclaimed motor vehicle

#### Towers Acquiring Title to Abandoned Towed Motor Vehicles

- § 14-150-6 Towers in compliance
- § 14-150-7 Issuance of certificate of title
- § 14-150-8 Value of vehicle; issuance of certificate of title
- § 14-150-9 Acquired title to abandoned motor vehicle

#### Procedures for Campground Owners to Acquire Title to Abandoned Motor Homes or Recreational Vehicles

- § 14-150-10 Definitions.
- § 14-150-11 Registration of campground.
- § 14-150-12 Preliminary requirements. Sale or other disposition of an abandoned recreational vehicle.
- § 14-150-13 Notice to camper, recreational vehicle owner, lienholder and secured party.
- § 14-150-14 Filing notice of intent to transfer title with the commissioner.
- § 14-150-15 Sale or other disposition of recreational vehicles.

- Code of Federal Regulations (2020)  
Title 41. Public Contracts and Property Management  
Subtitle C. Federal Property Management Regulations System  
[41 CFR 102-41](#). Disposition of seized, forfeited, voluntarily abandoned, and unclaimed personal property

#### **FORMS:**

- 1 *Am. Jur. Legal Forms 2d* Abandoned, Lost, and Unclaimed Property (2017).
  - §§ 1:22-1:45. Abandoned and unclaimed property
  - §§ 1:23-1:30. Property in custody of carrier, innkeeper, etc.
- 1 *Am. Jur. Pleading & Practice Forms Annotated* Abandoned, Lost and Unclaimed Property (2018).
  - §§ 1-29. Abandoned Property
  - §§ 30-77. Lost and Unclaimed Property
  - §§ 31-49. Rights and Duties of Finder
  - §§ 50-58. Rights of Owner
  - §§ 59-77. Actions by and Against Finder
- Cause Of Action Against Owner To Establish Abandonment Of Personal Property, 21 *Causes of Action* 655 (1990).
  - § 16. Sample complaint

- § 16.10. Sample complaint for determination of adverse claims to allegedly abandoned property by holder against former owner (supplement only)
- § 17. Checklist—Complaint (supplement only)

**ATTORNEY  
GENERAL  
OPINIONS:**

- *Opinions, Conn. Att. Gen.* No. 1986-006 (January 14, 1986) pp. 18-20 (Conn. A. G.) (1986 WL 289094)  
"Applying these principles to the issues you have presented to us, we conclude that you may issue a certificate of title to Mr. Landino's client if you are satisfied he is the owner of the motor vehicle by virtue of its abandonment by the prior owner and his taking control and possession of the vehicle."

**OLR REPORTS:**

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.

- Michelle Kirby, [Connecticut's Unclaimed Property Law](#), CT General Assembly, Office of Legislative Research, OLR Research Report no. 2019-R-0014 (May 10, 2019)
- Sandra Norman-Eady, [State Laws on Landlords' Treatment of Abandoned Property](#), CT General Assembly, Office of Legislative Research, OLR Research Report no. 2006-R-0164 (February 21, 2006).
- Sandra Norman-Eady, [Summary of Unclaimed Property Law and Recent Amendments](#), CT General Assembly, Office of Legislative Research, OLR Research Report no. 2006-R-0507 (August 28, 2006).
- Daniel Duffy, [Gift Cards](#), CT General Assembly, Office of Legislative Research, OLR Research Report no. 2007-R-0208 (February 13, 2007).
- Kristen Miller, [Gift Card Cash Back Laws](#), CT General Assembly, Office of Legislative Research, OLR Research Report no. 2019-R-0185 (September 12, 2019).

**CASES:**

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [R.F. Daddario & Sons, Inc. v Shelansky](#), 123 Conn. App. 725, 735, 3 A. 3d 957 (2010). "To constitute [abandonment] there must be an intention to abandon or relinquish accompanied by some act or omission to act by which **such an intention is manifested.**' (Citations omitted.) [Brierley v. Johnson](#), 131 Conn. 675, 678, 42 A.2d 34 (1945). 'While mere nonuser and lapse of time alone are not enough to constitute abandonment, they are competent evidence of an intent to abandon, and as such may be entitled to great weight when considered with other circumstances, and abandonment may be inferred from circumstances, such as failure by acts or otherwise to assert any claim to the right alleged to have been abandoned, or may be presumed from long continued neglect. . . . Most frequently, where abandonment has been held established, there has been found present some

affirmative act indicative of an intent to abandon, as in [Peck v. Lee](#), [110 Conn. 374, 377, 148 A. 133 (1930)].”

- [Smith v. Muellner](#), 283 Conn. 510, 527, 932 A. 2d 382 (2007). ““Mere nonuser of an easement created by deed, however long continued, is insufficient to establish abandonment. There must also be some conduct on the part of the owner of the servient estate adverse to and inconsistent with the existence of the easement and continuing for the statutory period, or the nonuser must be accompanied by unequivocal and decisive acts clearly indicating an intent on the part of the owner of the easement to abandon the use of it.’ [Richardson v. Tumbidge](#), supra, 111 Conn. 93-94; see also [Byard v. Hoelscher](#), supra, 112 Conn. 16; [Stueck v. Murphy Co.](#), 107 Conn. 656, 662-69, 142 A. 301 (1928); [American Brass Co. v. Serra](#), supra, 104 Conn. 148.”
- [Rose v. James](#), Superior Court, Judicial District of Hartford, No. H-1204 (Oct. 26, 2000), 2000 WL 1630023. **“Abandonment by the tenant, under either statutory or common law, is a complete defense against an action in unlawful entry and detainer. The issue before the court in this case, therefore, is whether the plaintiff must be deemed to have abandoned the premises and his possessions prior to the bringing of this action.”**
- [Carothers v. Capozziello](#), 215 Conn. 82, 130, 574 A.2d 1268 (1990). “In this respect, the question of whether waste has been ‘discarded’ is similar to the factors that will be considered when it has been claimed that property has been abandoned. Although, before legal abandonment can be found, there must be proof of an intent to abandon; [Glotzer v. Keyes](#), 125 Conn. 227, 233, 5 A.2d 1 (1939); that requirement can be met without resort to proof of specific intent. ‘Most frequently, where abandonment has been held established, there has been found present some affirmative act indicative of an intention to abandon . . . but nonuser, as of an easement, or other negative or passive conduct may be sufficient to signify the requisite intention and justify a conclusion of abandonment. The weight and effect of such conduct depends not only upon its duration but also upon its character and the accompanying circumstances.’ Id.; [Sharkiewicz v. Lepone](#), 139 Conn. 706, 707-708, 96 A.2d 796 (1953); [Sanchez v. Forty's Texaco Service, Inc.](#), 5 Conn. App. 438, 440, 499 A.2d 436 (1985), cert. denied, 198 Conn. 803, 502 A.2d 932 (1986).”
- [Sanchez v. Forty's Texaco Service, Inc.](#), 5 Conn. App. 438, 440, 499 A.2d 436 cert. den. 198 Conn. 803 (1985). “The critical issue raised on appeal by the plaintiff is whether the court erred in finding abandonment. Abandonment of



personal property such as a car requires 'an intention to abandon or relinquish accompanied by some act or omission to act by which such an intention is manifested' and is a question of fact; *Sharkiewicz v. Lepone*, 139 Conn. 706, 707, 96 A.2d 796 (1953); which must stand unless clearly erroneous."

**WEST KEY NUMBER:**

- 1 Abandoned and Lost Property
  - I. Abandonment
    - 1. Nature and elements
      - 1.1. – In general
      - 2. – Intent
      - 3. – Acts and omissions
    - 4. Evidence and questions for jury
    - 5. Operation and effect
- 152 Escheat
  - 1. Nature in general
  - 2. Constitutional and statutory provisions
  - 3. Property subject to escheat
  - 4. Grounds
  - 5. Release
  - 6. Enforcement
  - 7. Operation and effect
  - 8. Disposition of property escheated
    - (1) In general
    - (2) Recovery of proceeds of escheated property

**DIGESTS:**

- ALR Digest
  - Abandonment and Lost Property
  - Escheat
- Digest of United States Supreme Court Reports
  - For Abandoned, Lost and Unclaimed Property – See Property and Property Rights §§ 14-20
  - For Escheat – See Forfeiture and Penalties §§ 10-13

**INDEX TERMS:**

- ALR Index
  - Abandonment of Property
  - Escheat
- Connecticut General Statutes Annotated
  - Abandoned or Unclaimed Property
  - Abandonment
  - Escheat
  - Lost or Destroyed Property
- Connecticut General Statutes (official)
  - Abandonment
  - Escheats
  - Lost and Abandoned Property
  - Landlord and Tenant (subheadings: Abandonment of premises, Entry and detainer)

**ENCYCLOPEDIAS:**

- 1 *Am. Jur. 2d* Abandoned, Lost, and Unclaimed Property (2016).
  - I. In General, §§ 1-19  
Elements of Abandonment, §§ 8-12
  - II. Rights and Obligations of Finders, Owners and Former Owners, §§ 20-42  
Abandoned Property, §§ 25-28
  - III. Rights of State to Property, §§ 43-54  
In General, §§ 43-49  
Particular types of property, §§ 50-54
  - IV. Proof; Presumptions, §§ 55-61
    - § 55. Abandonment or character of lost property as question of law or fact
    - § 56. Presumptions and burden of proof
    - § 58. Proof of intention to abandon
    - § 59. Lapse of time; nonuse
    - § 60. Weight and sufficiency of evidence; prima facie evidence under statute
    - § 61. Defenses
- 1 *C.J.S.* Abandonment (2016).
  - § 3. Distinctions – Abandonment distinguished from sale, gift, or other transfer
  - § 4. Elements of abandonment
  - § 5. Elements of abandonment — Intent
  - § 6. Elements of abandonment — Intent as either express or implied
  - § 12. Evidence of intention to abandon property
- Cause Of Action Against Owner To Establish Abandonment Of Personal Property, 21 *Causes of Action* 655 (1990).
  - II. Substantive Law Overview
    - A. Prima facie case
    - B. Defenses
      - § 7. Generally
      - § 8. Absence of intent to abandon
    - C. Parties
  - III. Practice and procedure
    - A. In general
      - § 10. Procedural matters
      - § 11. Pleadings
    - B. Proof
      - § 12. Proof of abandonment
      - § 13. Rebuttal
    - C. Remedies and recovery
- **Proof of Landlord’s Conversion of Tenant’s Property**, 90 *Am Jur Proof of Facts 3d* 341 (2006).
- Abandonment of Tangible Personal Property, 25 *Am Jur Proof of Facts 2d* 685 (1981).

- Annotation, Validity Under Federal Constitution Of State Escheat Statutes—Federal Cases, 7 *L. Ed. 2d* 871 (1961).

### **LAW REVIEWS:**

Public access to law review databases is available on-site at each of our [law libraries](#).

- Maryann B. Gall, *Escheat: The Basic Rules, What the U.S. Supreme Court Dictated about Compliance Priorities, B-to-B Exemptions, Gift Card Planning Opportunities and Recent Cases*, 1 *Journal of Payment Systems Law* 390 (August/September 2005).
- Diane Green-Kelly, *Unclaimed Property: An Ancient Concept Creating Modern Liabilities*, 32 *Franchise Law Journal* 41 (2012-2013).
- Jennifer S. Moorman, *Finders Weepers, Losers Weepers?: Benjamin v. Lindner Aviation, Inc.*, 82 *Iowa L. Rev.* 717 (January 1997).
- Barbara C. Payne, *Abandoned And Escheated Property: How Long Is Long Enough?* 64 *Connecticut Bar Journal* 289 (August 1990).
- Robert F. Phelps, Jr., *Legal Relationships Regarding Safe Deposit Boxes*, 61 *Connecticut Bar Journal* 286 (1987).
- Richard P. Roberts and Brian P. Leaming, *Discontinuation and Abandonment: End of the Road?* 14 *Connecticut Lawyer* no. 2, 12 (October 2003).

### **WEBSITE:**

- Office of State Treasurer: Unclaimed Property Division [http://www.otc.ct.gov/unclaimed\\_overview.html](http://www.otc.ct.gov/unclaimed_overview.html)

Table 1: Abandoned Property: Unreported Decisions

Abandoned Property: Unreported Decisions	
<p><u>Earls v. Condor Capital Corp.</u>, No. CV98-0491748S (Apr. 14, 2000), 2000 WL 486941.</p>	<p>"Abandonment of personal property such as a car requires "an intention to abandon or relinquish accompanied by some act or omission to act by which such an intention is manifested" and is a question of fact . . . ' <a href="#">Sanchez v. Forty's Texaco Service, Inc.</a>, 5 Conn. App. 438, 440, 499 A.2d 436, cert. denied, 198 Conn. 803, 502 A.2d 932 (1985), quoting <a href="#">Sharkiewicz v. Lepone</a>, 139 Conn. 706, 707, 96 A.2d 796 (1953). To waive all rights with regard to the vehicle, the plaintiff must have knowledge of these rights, then intentionally abandon and voluntarily relinquish them. See <a href="#">Soares v. Max Services, Inc.</a>, 42 Conn. App. 147, 175, 679 A.2d 37, cert. denied, 239 Conn. 915, 682 A.2d 1005 (1996); see also <a href="#">Rigoglioso v. Stevens Ford, Inc.</a>, Superior Court, Judicial District of Fairfield at Bridgeport, Docket No. 330848 (November 27, 1996) (Maioco, J.)."</p>
<p><u>Cirino v. Neighborhood Housing Assoc.</u>, No. CVNH 9005-3751, Housing Session of New Haven, (Jun. 6, 1990), 1990 WL 283887.</p>	<p>"Abandonment is a question of fact. <a href="#">Blum v. Lisbon Leasing Corp.</a>, 173 Conn. 175, 182 (1977). In order to determine whether property has been abandoned, the court must determine the intent of the owner. <a href="#">Favorite v. Miller</a>, 176 Conn. 310 (1978). Along with intent, there must be some act or omission by which abandonment is manifested and non-use and lapse of time, though not enough standing alone, may be competent evidence of intent. <a href="#">Glotzer v. Keyes</a>, 125 Conn. 227, 233 (1939)."</p>
<p><u>State v. Roseboro</u>, No. CR5-81771, Conn. Superior Court, J.D. of Ansonia-Milford, (October 4, 1990), 1990 WL 277237.</p>	<p>"Abandoned property is not subject to the protection of the Fourth Amendment. <a href="#">Abel v. United States</a>, 362 U.S. 217, 241 (1960). Abandonment is a question of fact and it implies a voluntary and intentional renunciation, but the intent may be inferred as a fact from the surrounding circumstances . . . . Abandonment for purposes of the Fourth Amendment exists only if the defendant has voluntarily discarded the property, left it behind or otherwise given up his interest in it under circumstances indicating that he has given up any further reasonable expectation of privacy with regard to it at the time of the search. <a href="#">United States v. Colbert</a>, 474 F.2d 174, 176 (5th Cir.1973); <a href="#">City of St. Paul v. Vaughn</a>, 306 Minn. 377, 237 N.W.2d 365, 370, 371 (1975); <a href="#">State v. Philbrick</a>, 436 A.2d 844, 854 (Me.1981); 1 W. Lafave, <a href="#">Search and Seizure</a>, section 2.6(b), p. 465. In <a href="#">State v. Zindros</a>, supra, it was held that the lessee of property that had been gutted by fire did not abandon his property, and had standing to challenge a search made eleven days after the fire."</p>
<p>Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can <a href="#">contact your local law librarian</a> to learn about the tools available to you to update cases.</p>	

Table 2: Statutory Definitions of Abandoned Property

Statutory Definitions: Abandoned Property	
<p>Conn. Gen Stat. § <a href="#">8-169p</a> (2019) Urban homesteading.</p>	<p><b>"As used in this part:</b></p> <p><b>(a) 'Abandoned property'</b> means any real property on which there is a vacant structure and on which (1) real property taxes have been delinquent for one year or more and orders <b>have been issued by the municipality's fire official, building official or health official</b> and there has been no compliance with those orders within the prescribed time given by such official or within ninety days, whichever is longer, (2) the owner has declared in writing to the building official that his property is abandoned or (3) there has been a determination by the municipality in accordance with an ordinance adopted under subparagraph (H)(xv) of subdivision (7) of subsection (c) of section 7-148, that the vacant structure contributes to housing blight;"</p>
<p>Conn. Gen Stat. § <a href="#">8-291</a> (2019) Acquisition of abandoned property - industrial and commercial buildings</p>	<p><b>"As used in this chapter:</b></p> <p><b>(a) 'Abandoned property'</b> means any real property and any vacant structure thereon used or previously used for industrial or commercial purposes, which the owner has declared, in writing, to the building official to be abandoned, or real property on which there is a vacant structure used or previously used for industrial or commercial purposes which the owner has been given a written order by the building official to demolish and no application for a permit for rehabilitation or demolition has been applied for within thirty days after the date of such order or, if such permit has been granted, no rehabilitation or demolition work has been commenced within thirty days after the granting of such permit;</p>
<p>Conn. Gen. Stat. § <a href="#">47a-11b</a> (2019) Abandonment of unit by occupants. Landlord's remedies.</p>	<p><b>"(a) For the purposes of this section, 'abandonment'</b> means the occupants have vacated the premises without notice to the landlord and do not intend to return, which intention may be evidenced by the removal by the occupants or their agent of substantially all of their possessions and personal effects from the premises and either (1) nonpayment of rent for more than two months or (2) an express statement by the occupants that they do not intend to occupy the premises after a specified date."</p>
<p>You can visit your local law library or search the most recent <a href="#">statutes</a> and <a href="#">public acts</a> on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.</p>	

Table 3: Landlord Remedies upon Abandonment of Premises

Conn. Gen. Stat. § <a href="#">47a-11b</a> (2019)	
<b>(b)</b>	<p>"If all the occupants abandon the dwelling unit, the landlord may send notice to each occupant at his last-known address both by regular mail, postage prepaid, and by certified mail, return receipt requested, stating that</p> <p>(1) he has reason to believe that the occupant has abandoned the dwelling unit,</p> <p>(2) he intends to reenter and take possession of the dwelling unit unless the occupant contacts him within ten days of receipt of the notice,</p> <p>(3) if the occupant does not contact him, he intends to remove any possessions and personal effects remaining in the premises and to rerent the premises, and</p> <p>(4) if the occupant does not reclaim such possessions and personal effects within thirty days after the notice, they will be disposed of as permitted by this section.</p> <p>The notice shall be in clear and simple language and shall include a telephone number and a mailing address at which the landlord can be contacted.</p> <p>If the notices are returned as undeliverable, or the occupant fails to contact the landlord within ten days of the receipt of the notice, the landlord may reenter and take possession of the dwelling unit, at which time any rental agreement or lease still in effect shall be deemed to be terminated."</p>
<b>(c)</b>	<p>"The landlord shall not be required to serve a notice to quit as provided in section 47a-23 and bring a summary process action as provided in section 47a-23a to obtain possession or occupancy of a dwelling unit which has been abandoned.</p> <p>Nothing in this section shall relieve a landlord from complying with the provisions of sections 47a-1 to 47a-20a, inclusive, and sections 47a-23 to 47a-42, inclusive, if the landlord knows, or reasonably should know, that the occupant has not abandoned the dwelling unit."</p>
<b>(d)</b>	<p>"The landlord shall inventory any possessions and personal effects of the occupant in the premises and shall remove and keep them for not less than thirty days.</p> <p>The occupant may reclaim such possessions and personal effects from the landlord within said thirty-day period.</p> <p>If the occupant does not reclaim such possessions and personal effects by the end of said thirty-day period, the landlord may dispose of them as he deems appropriate."</p>
<b>(e)</b>	<p>No action shall be brought under section 47a-43 against a landlord who takes action in compliance with the provisions of this section.</p>

Table 4: Tenant Lockout - Abandonment as Landlord's Defense

Connecticut General Statutes (2019)	
<p>§ <a href="#">47a-43</a>. Complaint and procedure: Forcible entry and detainer; entry and detainer.</p>	<p>“(a) When any person (1) makes forcible entry into any land, tenement or dwelling unit and with a strong hand detains the same, or (2) having made a peaceable entry, without the consent of the actual possessor, holds and detains the same with force and strong hand, or (3) enters into any land, tenement or dwelling unit and causes damage to the premises or damage to or <b>removal of or detention of the personal property of the possessor</b>, or (4) when the party put out of possession would be required to cause damage to the premises or commit a breach of the peace in order to regain possession, the party thus ejected, held out of possession, or suffering damage may exhibit his complaint to any judge of the Superior Court.” (Emphasis added.)</p>
<p>§ <a href="#">47a-11b</a>. Abandonment of unit by occupants. Landlord's remedies.</p>	<p>(e) No action shall be brought under section 47a-43 against a landlord who takes action in compliance with the provisions of this section.</p>
<p>You can visit your local law library or search the most recent <a href="#">statutes</a> and <a href="#">public acts</a> on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.</p>	
Cases	
<p><u>Rose v. James</u>, Superior Court, Judicial District of Hartford, No. H-1204 (Oct. 26, 2000), 2000 WL 1630023.</p>	<p><b>“Abandonment by the tenant, under either statutory or common law, is a complete defense against an action in unlawful entry and detainer. The issue before the court in this case, therefore, is whether the plaintiff must be deemed to have abandoned the premises and his possessions prior to the bringing of this action.”</b></p>
<p><u>Forbotnick v. Kalinowski</u>, 26 Conn. L. Rptr. 517, 520 (2000).</p>	<p>“General Statutes 47a-11b also sets forth the procedures a landlord must follow to regain possession of premises in the event the tenant has in fact abandoned and given up possession. Where the premises are abandoned, as defined in the statute, and where the landlord follows the statutory procedures, he may take back possession without recourse to the summary process statutes and without risking exposure to a claim of entry and detainer. ‘No action shall be brought under section 47a-43 against a landlord who takes action in compliance with the provisions of this section.’ General Statutes 47a-11b(e).”</p>

<p><a href="#">Gnandt v. DaCruz</a>, 11 Conn. L. Rptr. 500,502 (1994).</p>	<p>"The lesson to be learned from this case is that where the landlord acts to dispossess a tenant without the benefit of summary proceedings and without actually knowing that the tenant has abandoned the premises, he acts imprudently. If he acts precipitously, as the defendant did in this case, he acts at his peril unless an abandonment has in fact taken place before dispossession. In this case the defendant gambled and won. However, 47a-11b rewards prudence and importunes against such risks as the defendant took."</p>
<p><a href="#">Stankiewicz v. Hawkes</a>, 33 Conn. Supp. 732, 733-734 (1976).</p>	<p>". . . the plaintiff and her children were required to vacate the apartment which was in urgent need of redecorating because its physical condition was a health hazard to the <b>plaintiff's children. When the plaintiff moved from the apartment she took some of her possessions and some of her children's possessions, but she left behind many items and belongings . . . The plaintiff's</b> property rights are not measured by the state of her finances. However humble her possessions, they were hers to use. The fact that the defendant considered those possessions rags and junk gave him no right to exercise dominion over them. The removal of <b>the plaintiff's property from the apartment and its</b> exposure to the elements, under the circumstances of this case, constituted a conversion. <a href="#">VanDerlip v. VanDerlip</a>, 149 Conn. 285, 288, 179 A.2d 619; <a href="#">Coleman v. Francis</a>, 102 Conn. 612, 615, 129 A. 718. <b>Since the plaintiff's removal from the apartment was involuntary and since there is no evidence of any other act by the plaintiff prior to the conversion from which one could reasonably infer a voluntary relinquishment by the plaintiff of her right to her possessions, the court's finding of abandonment cannot stand."</b></p>
<p><a href="#">Bland v. Greca</a>, 38 Conn. Supp. 396, 398-399 (1982).</p>	<p><b>"We cannot reach the plaintiff's claim that she retained a key to the apartment, however, since there was no key among the exhibits at trial and this court cannot on appeal accept into evidence items not presented at the trial. Furthermore, in light of the evidence adduced at trial and the facts found by the trial court, the mere retention of a key was not conclusive evidence of an intention not to surrender the premises." (p. 398)</b></p> <p>"The court could reasonably have found that the letter sent by the plaintiff to the defendants announcing her intent to permanently leave the premises, coupled with the fact that the keys were returned and professional movers took her furniture from the apartment in accordance with the terms of the letter, constituted an abandonment of the premises.</p>



These facts can be logically interpreted as a voluntary and **intentional renunciation of the plaintiff's claim** to the leased premises. *Bianco v. Darien*, 157 Conn. 548, 556-57, 254 A.2d 898 (1969)." (p. 399)

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

### Texts and Treatises

Noble F. Allen, *Connecticut Landlord and Tenant Law with Forms 2d* (2014).  
3-4. **Tenant's Abandonment** – Legal Implications

Richard E. Burke, ed., *Connecticut Real Property Law* (1984).  
§ 47c. Entry and detainer

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

## Section 2: Lost or Mislaid Property

A Guide to Resources in the Law Library

### **SCOPE:**

Bibliographic resources relating to the rights, duties and liabilities of the finder of lost or abandoned personal property in Connecticut including actions against owner.

### **SEE ALSO:**

- [Treasure Trove in Connecticut](#) (Section 3)

### **DEFINITIONS:**

- **Duties of finder:** "Any person who finds and takes possession of any article of the value of one dollar or more shall report the finding of such article to the police department of the municipality in which he finds such article within forty-eight hours from the time of such finding. The finder of such article shall, at the time of reporting, furnish to the police department the date, time and place of finding, his name and address and a description of the article found, and, within a period of one week from such finding, shall deliver such article to the police department. Any person who violates or fails to comply with the provisions of this section shall be guilty of a class D misdemeanor." **Conn. Gen. Stat. § 50-10** (2019).
- **Larceny:** "A person commits larceny when, with intent to deprive another of property or to appropriate the same to himself or a third person, he wrongfully takes, obtains or withholds such property from an owner. Larceny includes, but is not limited to . . .

"(4) Acquiring property lost, mislaid or delivered by mistake. A person who comes into control of property of another that he knows to have been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient is guilty of larceny if, with purpose to deprive the owner thereof, he fails to take reasonable measures to restore the property to a person entitled to it." **Conn. Gen. Stat. § 53a-119** (2019).

### **STATUTES:**

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2019)  
[Chapter 859. Lost and Unclaimed Property.](#)
  - § 50-1. Disposition of perishable property.
  - § 50-2. Disposition of goods not perishable.
  - § 50-3. Expressmen and common carriers; good not perishable.
  - § 50-4. Disposition of perishable goods.
  - § 50-5. Avails to be accounted for. Escheat.
  - § 50-8. Marine vegetable deposits.
  - § 50-9. Lost goods; towns may adopt procedure for.
  - § 50-10. Duties of finder.
  - § 50-11. Advertising; sale of perishable goods.
  - § 50-12. Restoration to owner if claimed.

§ 50-13. Procedure if unclaimed.

§ 50-14. Disposition after expiration of time for making claim.

**FORMS:**

- 1 *Am. Jur. Legal Forms 2d* Abandoned, Lost, and Unclaimed Property (2017).
  - § 1:5. Form drafting guide -- Checklist of matters to be considered in drafting notice of finding of lost property
  - § 1.6. Notice of finding of lost property—To public
  - § 1.7. Notice of finding of lost property—To known owner
  - § 1.8. Notice of finding of lost property -- To apparent owner of property
  - § 1.11. Affidavit—By finder or saver of lost property
  - § 1.12. Affidavit—By saver of domestic animal
  - § 1.13. Report by finder of lost property—To police or **sheriff's department**
  
- 1 *Am. Jur. Pleading & Practice Forms Annotated* Abandoned, Lost and Unclaimed Property (2018).
  - II. Lost and Unclaimed Property
    - § 31. Affidavit—By finder of lost property
    - § 33. Notice—Finding of lost property—To general public
    - § 34. Notice—Finding of lost property—To general public—Short form
    - § 35. Notice—Finding of lost property—To public officer
    - § 37. Notice—Finding of lost property—To owner
    - § 39. Notice—Finding lost property—To owner—Return conditioned on payment of reasonable charges
    - § 42. Application – For order permitting disposal of unclaimed, lost, abandoned, or forfeited property
    - § 46. Petition or application—By finder—To deliver unclaimed or abandoned property to public officer and relieve finder of responsibility to owner
    - § 47. Petition or application—By finder—To establish title to lost property
    - § 49. Order—Vesting title to lost property in finder
    - § 59. Complaint, petition, or declaration—Against finder—For failure to give notice of finding
    - § 65. Complaint, petition, or declaration—Against owner of business establishment—For recovery of **money found by plaintiff on owner's premises**
    - § 74. Answer—Defense—Compliance with statutory notice requirement—**Finder's failure to claim** property within statutory period
  
- Cause Of Action By Finder to Establish Right to Lost Personal Property, 20 *Causes of Action* 761 (1989).

- § 23.50. Sample affidavits or notices by finder or saver of lost property (supplement only)
- § 23.60. Sample of notice of finding of lost property (supplement only)
- § 24. Sample complaint

**JURY INSTRUCTIONS:**

- 1 *Am. Jur. Pleading & Practice Forms Annotated* Abandoned, Lost and Unclaimed Property (2018).
  - § 75. Instruction to jury—Definition of “lost property”
  - § 76. Instruction to jury—Finder’s burden of proof
  - § 77. Instruction to jury—Finder’s mistake in law as affecting charge of conversion of found property

**CASES:**

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- *Gattoni v. Zaccaro*, Superior Court, Judicial District of New London at New London, Docket No. 542558, (March 2, 1998) (1998 Conn. Super. Lexis 571). “There are many instances where Connecticut courts have recognized the return of property wrongfully obtained as an appropriate type of mandatory injunctive relief. See, e.g., [Favorite v. Miller](#), 176 Conn. 310, 407 A.2d 974 (1978); *Coria v. Libert*, 1997 Conn. Super. LEXIS 1847, CV No. 97-400353 (Hodgson, J., July 9, 1997); *Toffolon v. Frankel*, CV No. 91-712357 (Sheldon, J.) (July 1, 1997). See also [Cole v. Jerman](#), 77 Conn. 374, 380-81, 59 A. 425 (1904) (upholding order compelling defendant to surrender to plaintiff possession of land and other injunctive relief); [Buchanan Marine, Inc. v. McCormack Sand Co.](#), 743 F. Supp. 139, 141-42 (E.D.N.Y. 1990) (holding, under Connecticut law, that where property clearly belongs to one party, another party’s meddling with it may constitute a conversion for which complaining party may seek relief in the form of an injunction.”
- [Grant v. West Haven Gardens Co.](#), 181 Conn. 379, 384, 435 A.2d 970 (1980). “The trial court concluded that the defendants must return the money found to the estate of Pasquale Stellato as the true owner, because the estate had constructive possession of the mislaid money.”

**WEST KEY NUMBER:**

- 1 Abandoned and Lost Property
  - II. Finding Lost Goods
    - 10. In general; loss of property
    - 11. Rights and liabilities of finder as to owner
    - 12. Title and rights of finder as to third persons
    - 13. Title and rights of finders inter se

**DIGESTS:**

- ALR Digest
  - o Abandonment and Lost Property
- Digest of United States Supreme Court Reports
  - o For Abandoned, Lost and Unclaimed Property – See Property and Property Rights §§ 14-20

**ENCYCLOPEDIAS:**

- 1 *Am. Jur. 2d* Abandoned, Lost, and Unclaimed Property (2016).
  - I. In General
  - 2. Lost, Mislaid, and Other Types of Property; Distinctions
    - § 13. Lost property
    - § 14. – Particular types of property as lost
    - § 15. Mislaid property
    - § 19. Distinctions
  - II. Rights and Obligations of Finders, Owners, and Former Owners
  - C. Lost Property
    - § 29. **Finder's rights**
    - § 31. Joint finders
    - § 32. Lost-property statutes
    - § 33. **Finder's duties**; duty to seek true owner
    - § 34. —Under lost-property statute
    - § 35. —Applicable standard of care
    - § 36. Owners
  - D. Mislaid Property
    - § 37. Finders
    - § 38. Owner or occupant of premises where property found
    - § 39. Owners
- 36A *C.J.S.* Finding Lost Goods (2014).
  - I. In General
    - § 1. Definitions and general principles
  - II. Rights and Duties of Finder
    - § 2. Finder taking possession to secure rights; duty
      - to ascertain true owner
    - § 3. Against owner or representative
    - § 4. Against owner or representative—  
Reimbursement or reward
    - § 5. Against third persons
    - § 6. Against third persons—Rights of owner of real property on which lost property found
    - § 7. Joint or multiple finders of lost property
    - § 8. **Finder's obligation to owner**
    - § 9. Actions by or against finder; larceny
- Cause Of Action by Finder to Establish Right to Lost Personal Property, 20 *Causes of Action* 761 (1989).
  - II. Substantive law overview
    - A. Prima facie case
    - B. Defenses
      - § 8. Generally
    - C. Parties
  - III. Practice and procedure
    - A. In general
      - § 16. Procedural matters

§ 17. Pleadings  
B. Proof  
§ 18. Generally  
C. Remedies and recovery

# Section 3: Treasure Trove in Connecticut

A Guide to Resources in the Law Library

## **SCOPE:**

Bibliographic resources relating to treasure troves in Connecticut

## **DEFINITIONS:**

- **Treasure Trove:** “consists of coins or currency concealed by the owner . . . . It includes an element of antiquity . . . . To be classified as treasure trove, the property must have been hidden or concealed for such a length of time **that the owner is probably dead or undiscoverable.**” [Benjamin v. Lindner Aviation, Inc.](#), 534 N.W.2d 400, 406 (Iowa 1995).
- “Treasure trove has traditionally been strictly and narrowly defined as ‘any gold or silver in coin, plate, or bullion found concealed in the earth or in a house or other private place.’” [Favorite v. Miller](#), 176 Conn. 310, 316, footnote 2, 407 A.2d 974 (1978).

## **STATUTES:**

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2019)  
[Chapter 859. Lost and Unclaimed Property](#)
  - § 50-9. Lost goods; towns may adopt procedure for.
  - § 50-10. Duties of finder.
  - § 50-12. Restoration to owner if claimed.
  - § 50-13. Procedure if unclaimed.
  - § 50-14. Disposition after expiration of time for making claim.

## **FORMS:**

- 1 *Am. Jur. Legal Forms 2d* Abandoned, Lost, and Unclaimed Property (2017).
  - § 1.6. Notice of finding of lost property—To public
  - § 1.7. Notice of finding of lost property—To known owner
  - § 1.8. —To apparent owner of property
  - § 1.11. Affidavit—By finder or saver of lost property
  - § 1.13. Report by finder of lost property—To police or **sheriff’s department**
- 1 *Am. Jur. Pleading & Practice Forms Annotated* Abandoned, Lost and Unclaimed Property (2018).
  - § 31. Affidavit—By finder of lost property
  - § 33. Notice—Finding of lost property—To general public
  - § 35. Notice—Finding of lost property—To public officer
  - § 37. Notice—Finding of lost property—To owner
  - § 39. Notice—Finding lost property—To owner—Return conditioned on payment of reasonable charges
  - § 46. Petition or application—By finder—To deliver unclaimed or abandoned property to public officer and relieve finder of responsibility to owner

- § 47. Petition or application—By finder—To establish title to lost property
- § 59. Complaint, petition, or declaration—Against finder—For failure to give notice of finding
- § 65. Complaint, petition, or declaration—Against owner of business establishment—For recovery **of money found by plaintiff on owner's premises**
- § 74. Answer—Defense—Compliance with statutory notice requirement—**Finder's failure to claim** property within statutory period

**CASES:**

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Grant v. West Haven Gardens Co.](#), 181 Conn. 379, 384, 435 A.2d 970 (1980). **"The trial court concluded that the defendants must return the money found to the estate of Pasquale Stellato as the true owner, because the estate had constructive possession of the mislaid money."**
- [Favorite v. Miller](#), 176 Conn. 310, 317, 407 A.2d 974 (1978). **"In light of those undisputed facts the defendant's trespass was neither technical nor trivial. We conclude that the fact that the property found was embedded in the earth and the fact that the defendant was a trespasser are sufficient to defeat any claim to the property which the defendant might otherwise have had as a finder."**

**WEST KEY NUMBER:**

- 1 Abandoned and Lost Property
  - II. Finding Lost Goods
    - 10. In general; loss of property
    - 11. Rights and liabilities of finder as to owner
    - 12. Title and rights of finder as to third persons
    - 13. Title and rights of finders inter se

**DIGESTS:**

- ALR Digest
  - o Abandonment and Lost Property
- Digest of United States Supreme Court Reports
  - o For Abandoned, Lost and Unclaimed Property – See Property and Property Rights §§ 14-20

**ENCYCLOPEDIAS:**

- 1 *Am. Jur. 2d* Abandoned, Lost, and Unclaimed Property (2016).
  - II. Rights and Obligations of Finders, Owners, and Former Owners
    - E. Treasure Trove
      - § 40. Finders
      - § 41. —Effect of statute
      - § 42. Owners
- 36A *C.J.S.* Finding Lost Goods (2014).
  - § 5. Rights and Duties of Finder — Against third persons



- Cause of Action Against Owner to Establish Abandonment Of Personal Property, 21 *Causes of Action* 655 (1990).
- Abandonment of Tangible Personal Property, 25 *Am Jur Proof of Facts 2d* 685 (1981).

# Section 4: Property Embedded in the Earth

A Guide to Resources in the Law Library

**SCOPE:** Bibliographic resources relating to property embedded in the earth.

**DEFINITIONS:**

- **Property embedded in the earth:** "Another line of cases holds that property, other than treasure trove, which is found embedded in the earth is the property of the owner of the locus in quo . . . . The presumption in such cases is that possession of the article found in such cases is in the owner of the land and that the finder acquires no rights to the article found." [Favorite v. Miller](#), 176 Conn. 310, 316, 407 A.2d 974 (1978).

**CASES:**

Once you have identified useful cases, it is important to update them to ensure they are still good law. You can [contact your local law librarian](#) to learn about updating cases.

- [Favorite v. Miller](#), 176 Conn. 310, 317, 407 A.2d 974 (1978). "In light of those undisputed facts the defendant's trespass was neither technical nor trivial. We conclude that the fact that the property found was embedded in the earth and the fact that the defendant was a trespasser are sufficient to defeat any claim to the property which the defendant might otherwise have had as a finder."

**WEST KEY NUMBER:**

- 1 Abandoned and Lost Property
  - II. Finding Lost Goods
    - 10. In general; loss of property
    - 11. Rights and liabilities of finder as to owner
    - 12. Title and rights of finder as to third persons
    - 13. Title and rights of finders inter se

**DIGESTS:**

- ALR Digest
  - o Abandoned and Lost Property

**ENCYCLOPEDIAS:**

- 1 *Am. Jur. 2d* Abandoned, Lost, and Unclaimed Property (2016).
  - I. In General
  - 2. Lost, Mislaid, and Other Types of Property; Distinctions
    - § 18. Property embedded in the earth; archaeological resources
    - § 19. Distinctions
- 36A *C.J.S.* Finding Lost Goods (2014).
  - § 5. Against third persons – Rights of owner of real property on which lost property found

# Section 5: Conversion/Statutory Theft

A Guide to Resources in the Law Library

## **SCOPE:**

Bibliographic resources relating to conversion and statutory theft in Connecticut.

## **SEE ALSO:**

- [Replevin in Connecticut](#) – Legal Research Guide

## **DEFINITIONS:**

- “The tort of conversion boasts a well established definition which is not disputed by the parties. `Conversion occurs when one, without authorization, assumes and exercises the right of ownership over property belonging to another, to the exclusion of the owner's rights. [Falker v. Samperi](#), 190 Conn. 412, 419, 461 A.2d 681 (1983).” [Luciani v. Stop & Shop Cos.](#), 15 Conn. App. 407, 409-410, 544 A.2d 1238 (1988).

## **STATUTES:**

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2019)  
[Chapter 925. Statutory Rights of Action and Defenses](#)  
§ [52-564](#). Treble damages for theft.  
  
[Chapter 926. Statute of Limitations](#)  
§ [52-577](#). Action founded upon a tort.  
  
[Chapter 952. Penal Code: Offenses](#)  
§ [53a-118](#). Definitions generally.  
§ [53a-119](#). Larceny defined.

## **COURT RULES:**

Amendments to the Practice Book (Court Rules) are published in the Connecticut Law Journal and posted [online](#).

- Connecticut Practice Book (2020 ed.)  
Chapter 2. Attorneys  
§ [2-69](#). Client Security Fund - Definition of Dishonest Conduct  
  
Chapter 10. Pleadings  
§ [10-21](#). Joinder of Causes of Action  
§ [10-74](#). Wrongful Sale; Wrongful Conversion

## **FORMS:**

Official Judicial Branch forms are frequently updated. Please visit the [Official Court Webforms page](#) for the current forms.

- 3 Joel M. Kaye and Wayne D. Effron, *Connecticut Practice Series: Civil Practice Forms 4d*, 2004, Thomson West.  
Form 704.23. Complaint for Conversion of Property
- 3A Joel M. Kay and Wayne D. Effron, *Connecticut Practice Series: Civil Practice Forms 4d*, 2002, Thomson West.  
Form S-63. Plaintiff's Interrogatories – Conversion  
Form S-120. Defendant's Interrogatories – Conversion
- Robert M. Singer, *Library of Connecticut Collection Law Forms*, 2016, Connecticut Law Tribune  
Chapter 7. Complaints

7-007. Complaint for Conversion

- Frederic S. Ury et al., *Connecticut Torts: The Law and Practice 2d*, 2019, LexisNexis.  
Chapter 14. Recovering for Injury to Property  
§ 14.04. Bringing a Claim for Conversion or Trover  
[6] Checklist for Conversion or Trover Claims  
[7] Form 14.04.1 Complaint – Conversion or Trover
- **Proof of Landlord’s Conversion of Tenant’s Property**,  
90 *Am Jur Proof of Facts 3d* 341 (2006).  
IV. Model Pleadings  
§ 37. **General form of complaint alleging landlord’s conversion of tenants’ personal property**  
§ 38. Complaint seeking compensatory and punitive damages for landlord’s conversion of tenant’s personal property  
§ 39. Complaint alleging landlord’s conversion of heating equipment  
§ 40. Complaint alleging landlord’s conversion of timber  
§ 41. Complaint alleging landlord’s conversion of crops

**JURY INSTRUCTIONS:**

- *Connecticut Judicial Branch Civil Jury Instructions*  
Part 3: Torts  
3.13. Intentional Torts  
[3.13-4](#). Conversion
- 1 *Connecticut Jury Instructions (Civil) 4d*, Wright and Ankerman  
Chapter 13. Conversion  
Section 200. Conversion – Tortious Dealing With Property  
Section 201. Conversion – Wrongful Retention of Property – Demand  
Section 202. Conversion - Damages
- 1 *Am. Jur. Pleading & Practice Forms Annotated*  
Abandoned, Lost and Unclaimed Property (2018).  
§ 77. Instruction to jury—**Finder’s mistake in law as affecting charge of conversion of found property**
- **Proof of Landlord’s Conversion of Tenant’s Property**,  
90 *Am Jur Proof of Facts 3d* 341 (2006)  
VI. Model Jury Instructions  
§ 58. What constitutes a conversion  
§ 59. **Landlord’s destruction or wrongful taking of tenant’s property as conversion**  
§ 60. Necessity of demand for return of property  
§ 61. Determining value of personal or household goods  
§ 62. Recovery of punitive damages

## **CASES:**

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Papallo v. Lefebvre](#), 172 Conn. App. 746, 757, 161 A.3d 603 (2017). **“Statutory theft under [General Statutes] § 52-564 is synonymous with larceny under General Statutes § 53a-119. . . . Pursuant to § 53a-119, [a] person commits larceny when, with intent to deprive another of property or to appropriate the same to himself or a third person, he wrongfully takes, obtains or [withholds] such property from an owner. . . . Conversion can be distinguished from statutory theft as established by § 53a-119 in two ways. First, statutory theft requires an intent to deprive another of his property; second, conversion requires the owner to be harmed by a defendant’s conduct. Therefore, statutory theft requires a plaintiff to prove the additional element of intent over and above what he or she must demonstrate to prove conversion.’ (Internal quotation marks omitted.) [Deming v. Nationwide Mutual Ins. Co.](#), 279 Conn. 745, 771, 905 A.2d 623 (2006).”**
- [Mendez v. JP Morgan Chase Bank](#), Superior Court, Judicial District of Hartford, Complex Litigation Docket, No. X04HHDCV146049524S (Jan. 8, 2016) (2016 WL 402008). **“Abandonment of personal property by the owner is a complete defense to an action for damages for its conversion. See 18 Am.Jur.2d Conversion § 102, see also [Sharkiewicz v. Lepone](#), 139 Conn. 706, 707–08, 96 A.2d 796, 797 (1953) (“most of the cases ... concern the abandonment of [real] property rights, but personal property may also be abandoned”); [Sullivan v. Delisa](#), 101 Conn.App. 605, 620–21, 923 A.2d 760, 771 (2007).”**

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**“Abandonment is a question of fact to be decided in light of all the attendant circumstances. [R.F. Daddario & Sons, Inc. v. Shelansky](#), 123 Conn.App. 725, 735, 3 A.3d 957, 964 (2010). ‘While mere nonuse and lapse of time alone are not enough to constitute abandonment, they are competent evidence of an intent to abandon, and as such may be entitled to great weight when considered with other circumstances, and abandonment may be inferred from circumstances, such as failure by acts or otherwise to assert any claim to the right alleged to have been abandoned, or may be presumed from long continued neglect ... The weight and effect of such conduct depends not only upon its duration but also upon its character and the accompanying circumstances.’ [Glotzer v. Keyes](#), 125 Conn. 227, 232, 5 A.2d 1, 3 (1939).”**

- [Coster v. DuQuette](#), 119 Conn. App. 827, 832, 990 A.2d 362 (2010). **“To establish a prima facie case of conversion, the plaintiff had to demonstrate that (1) the material at issue belonged to the plaintiff, (2) that [the defendant]**

deprived the plaintiff of that material for an indefinite period of time, (3) that [the defendant's] conduct was unauthorized and (4) that [the defendant's] conduct harmed the plaintiff.' [News America Marketing In-Store, Inc. v. Marquis](#), 86 Conn. App. 527, 545, 862 A.2d 837, aff'd, 276 Conn. 310, 885 A.2d 758 (2005)."

- [Jarvis v. Lieder](#), 117 Conn. App. 129, 147, 978 A.2d 106 (2009). "There are two general classes into which conversions are grouped: (1) those where the possession is originally wrongful, and (2) those where it is rightful. . . . The second class comprises those where the possession, originally rightful, becomes wrongful by a wrongful detention.' (Internal quotation marks omitted.) [Horelik v. Roth](#), 15 Conn. App. 649, 654, 545 A.2d 1167. . . ."
- [Tzovolos v. Wiseman](#), 51 Conn. Supp. 532, 574-575 (2007). "General Statutes § 52-564 defines theft as follows: 'Any person who steals any property of another, or knowingly receives and conceals stolen property, shall pay the owner treble his damages.' General Statutes § 53a-118 (a) (5) defines an owner to mean 'any person who has a right to possession superior to that of a taker, obtainer or withholder.' 'Statutory theft under § 52-564 is synonymous with larceny under General Statutes § 53a-119. . . . Pursuant to § 53a-119, [a] person commits larceny when, with intent to deprive another of property or to appropriate the same to himself or a third person, he wrongfully takes, obtains or [withholds] such property from an owner. . . . Conversion can be distinguished from statutory theft as established by § 53a-119 in two ways. First, statutory theft requires an intent to deprive another of his property; second, conversion requires the owner to be harmed by a defendant's conduct. Therefore, statutory theft requires a plaintiff to prove the additional element of intent over and above what he or she must demonstrate to prove conversion.' (Internal quotation marks omitted.) [Deming v. Nationwide Mutual Ins. Co.](#), supra, 279 Conn. 771. A higher burden of proof is also required; the plaintiff must prove statutory theft pursuant to § 52-564 by clear and convincing evidence. See [Suarez-Negrete v. Trotta](#), 47 Conn. App. 517, 520, 705 A.2d 215 (1998)." Affirmed at 300 Conn. 247 (2011).

**WEST KEY  
NUMBERS:**

- 97C Conversion and Civil Theft
  - I. Acts Constituting and Liability Therefor
  - II. Actions
    - (A) Right of Action and Defenses
    - (B) Proceedings in General
    - (C) Evidence
    - (D) Damages
    - (E) Trial
    - (F) Judgment

(G) Costs

**ENCYCLOPEDIAS:**

- 18 *Am. Jur. 2d* Conversion (2015)
  - I. In General; Civil Liability and Actions
  - II. Criminal Offenses and Prosecution
- 90 *CJS* Trover and Conversion (2020)
  - II. Nature and Elements of Conversion
  - III. Property Subject to Conversion
  - IV. Acts Constituting Conversion and Liability for Them
  - V. Actions for Conversion
- Cause of Action Against Limited Liability Company Member for Conversion or Statutory Theft, 93 *Causes of Action 2d* 455 (2020)
- **Proof of Landlord's Conversion of Tenant's Property**, 90 *Am Jur Proof of Facts 3d* 341 (2006)
  - I. Legal background
    - B. Tenant's Action for Conversion**
    - C. Landlord's Defenses**
  - II. Damages
  - III. Elements of Proof
  - V. Proof of Landlord's Conversion of Tenant's Property**

**TEXTS & TREATISES:**

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- 1 Rene Bevacqua Bollier et al., *Stephenson's Connecticut Civil Procedure 3d*, 1997 with 2014 supplement, Atlantic Law Book Company
  - Chapter 3. General Principles of Pleading
  - Sec. 32. Analysis of Illustrative Pleadings
    - a. Complaint in Conversion
- 3 Joel M. Kaye and Wayne D. Effron, *Connecticut Practice Series: Civil Practice Forms 4d*, 2004, Thomson West, with 2020 supplement (also available on Westlaw).
  - Authors' Commentary for Form 704.23** - Complaint for Conversion of Property
- Daniel J. Krisch and Michael S. Taylor, *Encyclopedia of Connecticut Causes of Action*, 2020, Connecticut Law Tribune.
  - Part 1. Common Law Causes of Action
    - 1C9. Conversion
    - 1T6. Trespass to Personal Property
  - Part 2. Statutory Causes of Action
    - 2S-8. Statutory Theft (Conn. Gen. Stat. § 52-564)
- Margaret Penny Mason, general editor, *LexisNexis Practice Guide: Connecticut Civil Pretrial Practice*, 2019, LexisNexis.
  - Chapter 8. Statutes of Limitation
    - § 8.07. Determining Which Statute of Limitation Applies

[12] Three-Year Statute of Limitations for Conversion

- Frederic S. Ury et al., *Connecticut Torts: The Law and Practice 2d*, 2020, LexisNexis.
  - Chapter 14. Recovering for Injury to Property
    - § 14.04. Bringing a Claim for Conversion or Trover
      - [1] Overview of a Conversion or Trover Cause of Action
      - [2] Proving the Required Elements of a Conversion or Trover claim
      - [3] What Type of Property Is Subject to a Conversion or Trover Claim?
      - [4] Evaluating the Nature of the Parties' Relationship vis-à-vis a Conversion Claim**
  
- Honorable Douglass B. Wright et al., *Connecticut Law of Torts 4d*, 2018, Atlantic Law Book Company, with 2019 supplement.
  - Chapter 2. Intentional Torts
    - § 26. Conversion
    - § 27. Connecticut Decisions on Conversion
    - § 27. Necessity for Demand and Refusal



Figure 1: Complaint for Conversion of Property

704.23

Conversion of Property

(Caption of Case)

1. On or about (date) the plaintiff, being the owner and in possession of (describe property), delivered the same to the defendant to be (purpose of delivery) by him and returned to the plaintiff.

2. Although the plaintiff is now entitled to and has demanded the property, the defendant has neglected and refused to return it to the plaintiff and thereby the defendant has converted same to his own use.

*or*

2. Subsequent to that date, the defendant, without authority from the plaintiff, sold the property, and thereby converted it to his own use.

The plaintiff claims damages.

(P.B. 1978, Form 704.23)

# Glossary of Terms

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**Abandonment:** "has been defined as the voluntary relinquishment of ownership of property without reference to any particular person or purpose . . . i.e., a 'throwing away' of the property concerned." [Favorite v. Miller](#), 176 Conn. 310, 313, 407 A.2d 974 (1978).

**Bailment:** "A bailment is a delivery of personal property by one person to another for a particular purpose, in accordance with a contract providing that when the purpose is fulfilled, the property will be returned. The person who owns the property and delivers it to another is the bailor. The person who receives the property is the bailee. [In this case, the return of the property is conditioned upon payment of a fee to the bailee.] Bailment is the name given to the contractual relationship between a bailor and a bailee. A bailment contemplates redelivery of the property by the bailee to the bailor." Connecticut Judicial Branch Civil Jury Instructions [4.4-30](#).

**Constructive Possession:** ". . . [A] person who, although not in actual possession, knowingly has the power and the intention, at a given time, to exercise control over a thing is deemed to be in constructive possession of that item." [State v. Dawson](#), 188 Conn. App. 532, 566, 205 A.3d 662 (2019). ". . . [P]ossession without direct physical contact." [State v. Bischoff](#), 182 Conn. App. 563, 571, 190 A.3d 137 (2018). "The legal possession of an object, even if it was not in a person's direct physical control. Often used in criminal law prosecutions for possession crimes, such as possession of illegal drugs. Generally, for a court to find that a person had constructive possession of an object, the person must have had knowledge of the object, and as well as the ability to control it. For example, someone with keys to a safe deposit box may have constructive possession to the contents of that box, and the owner of a car may have constructive possession of the contents of its trunk." [Wex](#), Legal Information Institute, Cornell Law School.

**Conversion:** "The tort of conversion boasts a well established definition which is not disputed by the parties. 'Conversion occurs when one, without authorization, assumes and exercises the right of ownership over property belonging to another, to the exclusion of the owner's rights. [Falker v. Samperi](#), 190 Conn. 412, 419, 461 A.2d 681 (1983).'" [Luciani v. Stop & Shop Cos.](#), 15 Conn. App. 407, 409-410, 544 A.2d 1238 (1988).

**Duties of finder:** "Any person who finds and takes possession of any article of the value of one dollar or more shall report the finding of such article to the police department of the municipality in which he finds such article within forty-eight hours from the time of such finding. The finder of such article shall, at the time of reporting, furnish to the police department the date, time and place of finding, his name and address and a description of the article found, and, within a period of one week from such finding, shall deliver such article to the police department. Any person who violates or fails to comply with the provisions of this section shall be guilty of a class D misdemeanor." Conn. Gen. Stat. § [50-10](#) (2019).

**Entry and detainer (landlord and tenant):** "When any person (1) makes forcible entry into any land, tenement or dwelling unit and with a strong hand detains the

same, or (2) having made a peaceable entry, without the consent of the actual possessor, holds and detains the same with force and strong hand, or (3) enters into any land, tenement or dwelling unit and causes damage to the premises or damage to or removal of or detention of the personal property of the possessor, or (4) when the party put out of possession would be required to cause damage to the premises or commit a breach of the peace in order to regain possession, the party thus ejected, held out of possession, or suffering damage may exhibit his complaint to any judge of the Superior Court." Conn. Gen. Stat. § [47a-43\(a\)](#) (2019).

**Escheat:** "Upon payment or delivery of property presumed abandoned to the Treasurer, the state shall assume custody and, except as otherwise provided in subsection (h) of section 3-65a, shall be responsible for all claims thereto." Conn. Gen. Stat. § [3-67a\(a\)](#) (2019).

**Larceny:** "A person commits larceny when, with intent to deprive another of property or to appropriate the same to himself or a third person, he wrongfully takes, obtains or withholds such property from an owner. Larceny includes, but is not limited to: . . . (4) Acquiring property lost, mislaid or delivered by mistake. A person who comes into control of property of another that he knows to have been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient is guilty of larceny if, with purpose to deprive the owner thereof, he fails to take reasonable measures to restore the property to a person entitled to it." Conn. Gen. Stat. § [53a-119](#) (2019).

**Lost property:** "has traditionally been defined as involving an involuntary parting, i.e., where there is no intent on the part of the loser to part with the ownership of the property." [Favorite v. Miller](#), 176 Conn. 310, 313, 407 A.2d 974 (1978).

**Mislaid property:** "is defined as that which is intentionally placed by the owner where he can obtain custody of it, **but afterwards forgotten.**" [Favorite v. Miller](#), 176 Conn. 310, 313, 407 A.2d 974 (1978).

**Property embedded in the earth:** "Another line of cases holds that property, other than treasure trove, which is found embedded in the earth is the property of the owner of the locus in quo . . . . The presumption in such cases is that possession of the article found is in the owner of the land and that the finder acquires no rights to the article found." [Favorite v. Miller](#), 176 Conn. 310, 316, 407 A.2d 974 (1978).

**Treasure Trove:** "consists of coins or currency concealed by the owner . . . . It includes an element of antiquity . . . . To be classified as treasure trove, the property must have been hidden or concealed for such a length of time that the **owner is probably dead or undiscoverable.**" [Benjamin v. Lindner Aviation, Inc.](#), 534 N.W.2d 400, 406 (Iowa 1995).