



CHAPTER 116B
ARTICLE 4 - NORTH CAROLINA UNCLAIMED PROPERTY ACT

N.C.G.S. § 116B-78.

Agreement to locate property between
property finders and owners or apparent
owners.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2023-88, s. 6 — seventh act in the lineage	RETRIEVED 21 September 2026, 04:43 UTC	SOURCE FINGERPRINT af2e6a6e0e7f4f07532eed0e - bbe02af04b04233b6211fa58 - 413cec4c3bd76205
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- § 116B-78(a)** Repealed by Session Laws 2009-312, s. 2, effective October 1, 2009, and applicable to agreements entered into on or after that date.
- § 116B-78(a1)** Agreements Covered. - An agreement by an owner is covered by this section if its primary purpose is to locate, deliver, recover, or assist in the recovery of property that is distributable to the owner or presumed abandoned.
- § 116B-78(a2)** Void Agreements. - An agreement covered by this section is void and unenforceable if either of the following situations applies:
- (1) The agreement was entered into during the period commencing on the date the property was distributable to the owner and extending to a time that is 24 months after the date the property is paid or delivered to the Treasurer. This subdivision does not apply to an owner's agreement with an attorney to file a claim or special proceeding as to identified property or contest the Treasurer's denial of a claim or a clerk's denial of a petition.
 - (2) The agreement involves a property finder as defined in G.S. 116B-52(11a), or any individual who acts as an agent for, serves as legal counsel for, or conducts business in any contractual capacity with a property finder, and the individual is also appointed as the personal representative of the owner or purported owner's estate.

§ 116B-78(b)

Criteria for Agreements. - An agreement covered by this section is void and unenforceable if it does not meet all of the following criteria:

- (1) Is in writing and clearly sets forth the nature of the property and the services to be rendered.
- (2) Is signed by the owner, with signature notarized.
- (2a) Is signed by a licensed private investigator authorized to bind the property finder, with signature notarized.
- (3) Describes the property, which includes the type of property, the property ID held by the State Treasurer, and the name of the holder.
- (4) States that there may be other claims to the property that may reduce the share of the owner.
- (5) States the value of the property, to the extent known, before and after the fee or other compensation has been deducted.
- (6) States clearly the fees and costs for services. Total fees and costs shall be limited as follows:

a. For an agreement covered by this section other than one covered by G.S. 28A-22-11, total fees and costs shall not exceed one thousand dollars (\$1,000) or twenty percent (20%) of the value of the property recovered, whichever is less.

b. For an agreement subject to G.S. 28A-22-11 by an heir, unknown or known but unlocated, the primary purpose of which is to locate or recover, or assist in the recovery, of a share in a decedent's estate, or surplus funds in a special proceeding, total fees and costs shall not exceed twenty percent (20%) of the value of the property recovered.

- (7) Discloses that the property is being held by the North Carolina Department of State Treasurer's Unclaimed Property Program.
- (8) Agreements with heirs, as defined in G.S. 28A-22-11, shall include a certification that the personal representative is not a person who is employed by, acts as an agent for, serves as legal counsel for, or conducts business in any contractual capacity with a property finder, as defined by G.S. 116B-52(11a), who has entered into an agreement to locate property defined by the agreement.

§ 116B-78(c)

Mineral Proceeds. - If an agreement covered by this section applies to mineral proceeds and the agreement contains a provision to pay compensation that includes a portion of the underlying minerals or any mineral proceeds not then presumed abandoned, the provision is void and unenforceable.

§ 116B-78(d)

Means of Payment. - Any person who enters into an agreement covered by this section with an owner shall be allowed to receive cash property, but not tangible property or securities, on behalf of the owner but shall not be authorized to negotiate or deposit the check made payable to the owner. Tangible property shall be delivered to the owner by the Treasurer, and securities will be reregistered into the owner's name.

§ 116B-78(e)

Other Remedies. - This section does not preclude an owner from asserting that an agreement covered by this section is invalid on grounds other than as provided in subsection (b) of this section.

§ 116B-78(f)

Registration. - A property finder shall register each calendar year with the Treasurer. The information to be required under this subsection shall include the person's name, address, telephone number, state of incorporation or residence, as applicable, and the person's social security or federal identification number. A registration fee of one hundred dollars (\$100.00) shall be paid to the Treasurer at the time of the filing of the registration information. Fees received under this subsection shall be credited to the General Fund.

§ 116B-78(g)

Unfair Trade Practice. - In addition to rendering an agreement void and unenforceable, a failure to comply with the provisions of this section constitutes an unfair or deceptive trade practice under G.S. 75-1.1.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
7 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1979				2001						2023
TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT										
Nº	YEAR	ACT	CHARACTER							

01	1979	2nd Sess., c. 1311, s. 1	ENACTED
02	1989	c. 114, s. 6	AMENDED
03	1999	S.L. 1999-460, s. 6	AMENDED
04	2009	S.L. 2009-312, s. 2	AMENDED
05	2021	S.L. 2021-157, s. 2(e)	AMENDED
06	2022	S.L. 2022-14, s. 6.1	AMENDED
07	2023	S.L. 2023-88, s. 6	AMENDED

APPARATUS II
3 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 116B-52(11a)	(a2)(2)	<i>"a property finder as defined in"</i>
G.S. 28A-22	(b)	<i>"section other than one covered by"</i>
G.S. 75-1.1	(g)	<i>"unfair or deceptive trade practice under"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 116B-78 (2023).

PINPOINT

N.C. Gen. Stat. § 116B-78(a) (2023).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1979, 2nd Sess., c. 1311, s. 1; 1989, c. 114, s. 6; 1999-460, s. 6; 2009-312, s. 2; 2021-157, s. 2(e); 2022-14, s. 6.1; 2023-88, s. 6.)

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