**Section 760.620 Filing of Claims**

a) Claimants may file claims with the administrator either in writing on forms prescribed by the administrator or through completion of a form on the administrator's website.

b) Claims shall be verified or signed by the claimant under penalty of perjury.

c) If the subject property, including contents of a safe deposit box, is valued at more than $2,000, the signatures of the claimants shall be notarized by a notary public or be guaranteed by an officer of a bank or financial institution with which the claimants currently do business.

d) If the value of the subject property is $5,000 or less:

1) a fully completed owner claim and owner indemnification form, submitted to the administrator either in writing or through completion of a form on the administrator's website, will be accepted as prima facie evidence of validity of the claim, unless the administrator has facts within his or her knowledge that would tend to rebut the claim; and

2) the administrator may waive the requirement to complete a claim form and may pay or deliver property directly to a claimant if the person receiving the property is shown to be the apparent owner of the property included on a report filed pursuant to the Act, and the administrator reasonably believes the claimant is entitled to receive the property or payment. [765 ILCS 1026/15-903]

e) *An heir or agent who files an unclaimed property claim in which the decedent's property does not exceed $*250 *may submit an affidavit attesting to the heir's or agent's capacity to claim in lieu of submitting a certified copy of the will to verify a claim.* [765 ILCS 1026/15-904(b-5)]

f) If the property being claimed is a two-party check, in addition to submitting a fully completed claim form, the claimant must:

1) submit the original check;

2) submit verification in the form of an affidavit from the issuing agent of the check that the claimant is the true owner of the check and the issuing agent would then pay the value of the check to the claimant if the issuing agent had not remitted the funds to the administrator;

3) post a surety bond, issued by an insurance company with an A+ or A rating by A.M. Best and Company, in the amount of the check;

4) submit a release of interest executed by all persons not claiming the property who were listed as apparent owners by the holder;

5) submit an order from a court of competent jurisdiction indicating the claimant is the owner of the unclaimed property; or

6) submit an indemnification form if the administrator does not have facts within its knowledge that would tend to rebut the claim and all the following apply:

A) the original check is missing or has been destroyed;

B) the original check is older than 14 years;

C) incomplete information was reported by the holder and is no longer obtainable; and

D) the amount of the two-party check is $2,000 or less.

g) A claim will be considered complete when a claimant has provided all the information and documentation requested by the administrator as necessary to establish legal ownership and that information or documentation is entered into the unclaimed property system. Unless extended for reasonable cause, the administrator shall issue a decision no later than 90 days after a claim is complete.

h) If a claimant is unable to provide documentation sufficient to establish ownership by a preponderance of the evidence, the claimant may request that the administrator formally deny the claim in order to allow the claimant to commence a contested case, pursuant to Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100], for review of the administrator's decision.

i) Closing Claims

1) If a claimant fails to provide information and documentation necessary to establish legal ownership of the property by a preponderance of the evidence and the claim is inactive for at least 90 days, the administrator may close the claim without issuing a final decision.

2) If the claimant makes a request in writing for a final decision prior to the administrator's closing of the claim, the administrator shall issue a final decision.

3) If, after a claim is closed, a claimant subsequently provides additional information or documentation concerning the same property, the administrator shall open a new claim and shall incorporate by reference all information and documentation provided for the closed claim.

j) *Not later than one year after filing a claim,* a *claimant may commence a contested case pursuant to the Illinois Administrative Procedure Act to establish a claim by the preponderance of the evidence after either receiving notice* of the denial from the administrator *or the claim is deemed denied*. [765 ILCS 1026/15-906]

(Source: Amended at 46 Ill. Reg. 16898, effective September 26, 2022)