



County Technical Assistance Service

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Recovery of Stolen Property

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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Recovery of Stolen Property

Reference Number: CTAS-414

To obtain possession of purchased or pledged goods held by a pawnbroker which a claimant claims to be misappropriated or stolen, the claimant must notify the pawnbroker by certified mail or in person, giving a complete and accurate description of the goods together with a copy of the applicable law enforcement agency's report on the misappropriation or theft of the property. The claimant and the pawnbroker must in good faith attempt to resolve the claim within 10 days after notification to the pawnbroker. T.C.A. § 45-6-213.

If the claim is not resolved within the 10-day period, either (1) the claimant may petition a court for the return of the property and the pawnbroker must hold the property until either the claim is settled or the court orders disposition of the property, or (2) a law enforcement official having probable cause to believe that the property is misappropriated or stolen may place a hold order on the property. The hold order cannot exceed 90 days unless extended by court order. Upon expiration of the holding period, the pawnbroker must notify the law enforcement official by certified mail that the holding period has expired. If, within 10 days, the pawnbroker has not received a court order extending the hold order on the property and the property is not the subject of a court proceeding, the pawnbroker obtains title to the property. T.C.A. § 45-6-213.

A pawnbroker is not required to relinquish an item believed to be misappropriated or stolen unless a court has ordered the pawnbroker to do so. T.C.A. § 45-6-303.

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