

Instructions to Request the Return of Property

If you are the owner of property in the custody of a peace officer that is not allegedly stolen or embezzled, the peace officer may return the property to you upon you providing to the officer satisfactory proof of ownership. The officer has fifteen (15) days from the time the owner of the property is known to notify the owner of the property that he has the property.

If you are the lawful owner of property that is allegedly stolen or embezzled, you will need to follow certain steps to have the property returned. These steps are required by 22 O.S. §1321. If a peace officer has custody of property that may belong to you, ownership may need to be resolved by a magistrate. To seek the return of your property, you will need to:

1. Obtain from the Court Clerk or the Victim-Witness Coordinator the Application for the Return of Allegedly Stolen or Embezzled Property;
2. Fill out the application and file it with the Court Clerk; the Court Clerk will give you two copies of the Notice of Hearing on an Application for the Return of Allegedly Stolen or Embezzled Property, one for Notice by Publication and one for Notice by Mail. You will also receive two copies of the Affidavit of Notice.
3. Notify the last person(s) who had possession of the property before it was taken into the custody of a peace officer or public office by:
 - A. Sending a copy of the Notice of Hearing to the person(s) by certified mail, return receipt requested, at the last known address of the person(s). A copy of the form will be filed with the Court Clerk. You will need to file proof of service (the "green card") with the Court Clerk;
 - B. If you do not know the address of the person(s), ask the Court Clerk to assist you in the completion of the form for Notice by Publication.

NOTE: You do not need to notify the last person(s) who had possession of the property if you have been given a signed Nonownership Affidavit, or one has been filed in the case. Check with the Court Clerk to see if an affidavit has been filed.

4. When you have notified the last person(s) who had possession of the property, notify the District Attorney and the Court Clerk, in writing, using a copy of one of the attached affidavit forms, either an Affidavit of Notice by Mailing or an Affidavit of Notice by Publication. File the original affidavit with the Court Clerk.

When you have followed all steps listed above, the Court will schedule a hearing to determine ownership of the property.

The charge for the filing of an Application for the Return of Allegedly Stolen or Embezzled Property is ten dollars (\$10.00). If the Court Clerk mails the Notice for you, the charge will be ten dollars (\$10.00). If publication is required, a publication deposit of twenty-five dollars (\$25.00) will be charged. You must also pay any publication fee greater than twenty-five dollars (\$25.00). If the fee is less than twenty-five dollars (\$25.00), the unused portion of the fee will be returned to you.

**These instructions are not intended to replace the services of a lawyer,
but are of general information only.**