

Instructions for using Release of Stolen Property Notice

The following is specific information you will need to obtain and enter in order on the Release of Stolen Property Notice.

1. Name of Pawn Shop, Precious Metal and Gem shop, or Secondhand Dealer shop.
2. Description of stolen property being held by the Dealer.
3. Date property items were stolen.
4. Law enforcement agency report number. If you don't know the report number you will need to contact the agency and obtain the report number.
5. Insert the transaction ticket numbers which can be obtained by contacting the Pawn Shop, Precious Metal and Gem shop, or Secondhand Dealer shop, or the law enforcement agency where you filed your theft report.

The Stolen Property Notice is for the use of property owner whose property was reported stolen to a law enforcement agency, and whose stolen property was later discovered to have been sold/pawned at a Pawn Shop, Precious Metal and Gem shop, or a Secondhand Dealer shop.

The notice required by this section is required to be sent by certified mail, return receipt requested, or delivered in person to the Dealer at the email or physical address shown on the Dealer's permit application or most recent permit renewal application, or to the Dealer at the address. Electronic notification shall satisfy this delivery requirement if such electronic notification is acknowledged by an authorized representative of the Dealer.

When delivering this notice, include a copy of the Motion for Return or Restoration of Seized Property for the Dealer to file with the court if they wish to make a claim to retain the seized property. Because the Dealer has a legal claim on the property, they have the right to a court hearing so that a judge can determine final ownership of the pawned/sold property in question. If the Dealer does not file the motion, you are allowed to then go to the Pawn Shop, Precious Metal and Gem shop, or Secondhand Dealer shop on the 11th day after the notice was served, and recover your stolen property from the shop at no additional cost.

NOTE: Be aware that once the item becomes available to be recovered after the 10 day waiting period, you have a recovery window of 30 days to go to the shop and recover your property. Thirty days after the notice date, the Gresham Police Department will release our police hold and we will no longer be involved in the disposition of the property.

Release of Stolen Property Notice

Date

Secondhand Dealer Name

Address

City/State/zip code

SENT VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Re: Release of Stolen Property, GRC 9.15.117

Dear

I am the owner of a _____ and this/these items were stolen on _____. The listed property was reported stolen to the Gresham Police Department under their case number _____. I was notified that the stolen items were found in your shop under the following transaction ticket number(s) _____. The police either seized the items or placed a police hold on them, and the items are no longer needed for evidence and may be returned to their rightful owner.

Pursuant to GRC 9.15.115, this letter provides you notice that I am the rightful owner and am requesting the above described property be returned to me. As the Dealer, you are entitled to file a motion for the return of seized property under ORS 133.633 within ten (10) days from the date of this letter if you believe you are the rightful owner to the property. If you do not file such a motion, the stolen property is required to be returned to me on day 11 from the date of receipt of this notice.

Sincerely,

Contact: _____

Mail Copy to: Gresham Police Department
1333 NW Eastman Parkway
Gresham, OR 97030

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

In the Matter of the Seizure of Property From: _____)
_____))
(name of person or premises or both from whom or where the property was seized)

**Motion for Return Or Restoration
of Seized Property**

Comes now _____ (Movant), under the authority of ORS 133.633 (1) (a) or
(Printed Name of the individual seeking the return of restoration of the property)

(b), as:

- (a) An individual from whose person, property or premises things have been seized, OR, as
- (b) Any other person asserting a claim to rightful possession of the things seized.

Based on the statements set out below, I request the return or restoration of seized property from the agency holding it.

The property requested to be returned to the Movant was seized on _____ (date) by:

Officer Name and No. _____ Officer's Agency _____

Evidence Receipt Nos. Provided at Seizure: _____

Officer Agency Report Numbers. _____

District Attorney Case No. _____ Court Case No. _____

The property seized consisted of the items listed here:

The seized property is now in the possession of (name the agency holding the property): _____

I am entitled to the return of the seized property because of the following:

- The property was seized from my person, property or premises by the above agency.
- I am the owner of the seized property (attach documents supporting your ownership of the property, if any).
- I am the legal custodian of the seized property (attach copies of documents showing basis for legal custodianship).
- I hold a lien interest in the seized property recognized under law (attach copies of documents showing basis for lien).
- Other basis: _____
(Attached additional documentation or explanation to support your claim to the property).

I certify under penalty of law that the above statements regarding my right to possession of the seized property are true.

Signed this _____ Day of _____, 20____. _____
Signature

After filing this motion, you must call 503-988-3235 and request this motion be set for hearing. Wait 3 days for the motion to be entered into the court's computer system before calling.

A true copy of this document must be served on the District Attorney by mailing it to Room 600, Multnomah County Courthouse, Portland Oregon 97204.

Motion for Return or Restoration of Seized Property under ORS 133.633

ORS 133.633 Motion for return or restoration of things seized. (1) Within 90 days after actual notice of any seizure, or at such later date as the court in its discretion may allow:

- (a) An individual from whose person, property or premises things have been seized may move the appropriate court to return things seized to the person or premises from which they were seized.
- (b) Any other person asserting a claim to rightful possession of the things seized may move the appropriate court to restore the things seized to the movant.
- (2) The appropriate court to consider such motion is:
 - (a) The court having ultimate trial jurisdiction over any crime charged in connection with the seizure;
 - (b) If no crime is charged in connection with the seizure, the court to which the warrant was returned; or
 - (c) If the seizure was not made under a warrant and no crime is charged in connection with the seizure, any court having authority to issue search warrants in the county in which the seizure was made.
- (3) The movant shall serve a copy of the motion upon the district attorney or the city attorney, whichever is appropriate, of the jurisdiction in which the property is in custody.
- (4) No filing, appearance or hearing fees may be charged for filing or hearing a motion under this section. [1973 c.836 §110; 1999 c.37 §1; 2005 c.22 §102]

General Instructions To Complete the Motion and on the Process

1. In the title of the motion, enter the name of the person from which the property was seized. If you were not the person, don't enter your name. The name of the person, and the location if relevant (such as a street address where a search warrant was served) will help to locate property and to determine whether it may be returned.
2. You are the "movant. You have filed this motion (moving the court) to grant your request for the return or restoration of the property seized.
3. Provide as much information as possible about the date of seizure and seizing officer and agency.
4. Provide a general physical description of the items; you should group like items. If the seizure involved currency state a total amount seized.
5. Select the most accurate statement of the legal basis on which you are basing your motion for the return or restoration of the seized property to you. Attach additional pages and documentation if necessary.
6. Sign the motion and deliver it to The Circuit Court, Room 106, window #1. There is no filing fee for this hearing. You will be given a Circuit Court case number at that time.
7. Serve a copy of the motion on the District Attorney, Room 600, with the Circuit Court Case number on it. This step is required by law; it must be completed. Keep a copy of the motion for your records.
8. After three days, call the Calendaring Section at 503-988-3235 and request the motion to be set for hearing. A date will be set and you will be notified by mail of the hearing date and time. At the time you request a hearing you will have to provide the court staff with a mailing address for your notice of the date and time of hearing. The motion will not be set for hearing unless you call and request it to be set.

The hearing time will be set out far enough for the District Attorney to review the status of any cases arising from the seizure of property.