

ANSWER TO QUESTION 14

In Michigan, all wild animals (*ferae naturae*) "are the property of the people of the state." MCL 324.40105. Thus, "an individual may acquire only such limited or qualified property interest therein as the state chooses to permit." *People v Zimberg*, 321 Mich 655, 658 (1948). Here, the facts indicate that Chris did not have a hunting license; therefore, he did not have the state's permission to take the deer, and the deer remains the property of the state. It does not matter that Chris Cook hunted the deer on his own property. While the land might belong to Cook, the deer does not, and the state may restrict the taking and use of the deer as it sees fit. *People v Van Pelt*, 130 Mich 621, 624 (1902). In addition to facing misdemeanor criminal charges, MCL 324.40118(3), Chris Cook may also be required to reimburse the state \$1,000 for the value of the deer. MCL 324.40119(1) (b).

Chris Cook may well be able to keep the \$125,000. Under the Lost and Unclaimed Property Act, MCL 434.21 *et seq.*, Cook must either report the finding of the money or deliver the money to local law enforcement. If Cook wishes to receive the money in the event it goes unclaimed, Cook must provide his name and address to the law enforcement agency. If the owner of the money can be established, then the money is returned to the owner. The initials on the safe deposit box inventory, "A.S.T.," is the only potential clue regarding the owner of the money. If the legal owner of the money is not located within six months, MCL 434.24(7), then the \$125,000 is to be returned to Chris Cook. MCL 434.26(1)(a). The statute, construed as a "finder's statute," applies whether the property was lost (accidentally misplaced) or mislaid (intentionally placed and subsequently forgotten). *Willsmore v Oceola Tp*, 106 Mich App 671 (1981), *superseded by statute* as stated in *People v \$27,490*, unpublished opinion per curiam of the Court of Appeals, issued 11/26/1996 (Docket No. 173507).

As Cook only found the key to the safe deposit box, he could not claim any ownership interest in the *contents* of the safe deposit box under the Lost and Unclaimed Property Act. At most, he would be entitled to the property he found--the key. Under the Uniform Unclaimed Property Act, MCL 567.221 *et seq.*, all property held in a safe deposit box that goes unclaimed by the owner for more than 5 years after the lease period has expired is presumed abandoned. MCL 567.237. Abandoned property is turned over to the State and, if the owner does not claim the property within three years, the property is sold, MCL 567.243(1), and the proceeds revert to the general fund of the State. MCL 567.244.