

REQUEST FOR RECORDS DISPOSITION AUTHORITY
(See Instructions on reverse)

LEAVE BLANK	
JOB NO	NCL 60-84-1 NCL-118-84-2
DATE RECEIVED	5-9-84
NOTIFICATION TO AGENCY	
In accordance with the provisions of 44 U.S.C. 3303a the disposal request, including amendments, is approved except for items that may be stamped "disposal not approved" or "withdrawn" in column 10	
Date	5-15-84 <i>DeWitt</i> Archivist of the United States

TO GENERAL SERVICES ADMINISTRATION,
NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408

1 FROM (AGENCY OR ESTABLISHMENT)
Department of Justice

2 MAJOR SUBDIVISION
Executive Office for U.S. Attorneys

3 MINOR SUBDIVISION
United States Attorneys

4 NAME OF PERSON WITH WHOM TO CONFER
Laurence S. McWhorter, FOUSA
Jeffery M. Miller, LDN

5 TEL EXT
633-2123
633-2330

6 CERTIFICATE OF AGENCY REPRESENTATIVE

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposal of the agency's records, that the records proposed for disposal in this Request of 3 page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified

A Request for immediate disposal.

B Request for disposal after a specified period of time or request for permanent retention.

C DATE 1/4/84	D SIGNATURE OF AGENCY REPRESENTATIVE <i>[Signature]</i>	E TITLE Director, Library Staff/OIT/JMD
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7 ITEM NO	8 DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9 SAMPLE OR JOB NO	10 ACTION TAKEN
	<u>LAND CASE FILES</u>		
	Land condemnation cases are initiated in the Land Acquisition Section, Land & Natural Resources Division, Washington, DC, and forwarded to various United States Attorney offices for filing in the courts. Many of these cases are handled solely by Assistant United States Attorneys depending upon legal issues involved, amount deposited, amount claimed by landowners, etc. Those cases which are handled solely by United States Attorneys are the most complete file in the Department and contain documents crucial for compliance with current laws. Distribution of funds is sometimes impossible because the landowner cannot be located. Under current Federal law, an order is obtained returning the money to Treasury after remaining on deposit for at least five years and thereafter no time limitation is imposed on the withdrawal of those funds by a claimant. 28 U.S.C. § 2042 (1948), as amended, September 13, 1982, Pub. L. No. 97-258, § 2(g)(4)(D), 96 Stat. 1061, provides:	II-NNA-2083, #1 NCL-118-78-1, #2 NCL-60-82-3, Item 2	2 items
	MASS DATA CHANGE SHEET ATTACHED		

Agency copy delivered to Bernard W. Berglund, Doc records mgmt staff, May 10/84. [Signature]

All FRC's sent 5-29-84 by DMW.

7. ITEM NO	8 DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9 SAMPLE OR JOB NO	10 ACTION TAKEN
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In every case in which the right to withdraw money deposited in court under section 2041 has been adjudicated or is not in dispute and such money has remained so deposited for at least five years unclaimed by the person entitled thereto, such court shall cause such money to be deposited in the Treasury in the name and to the credit of the United States. Any claimant entitled to any such money may, on petition to the court and upon notice to the United States Attorney and full proof of the right thereto, obtain an order directing payment to him. (Emphasis added.)

Several states have passed laws which allow landowners to file claims long after the case is closed. North Dakota has a 20 year curing statute (47-19.1, North Dakota Century Code) which allows for landowners to file claims with the court up to 20 years after final adjudication. Under the current retention of five years, such claims cannot be refuted by the Federal government.

Land case files consist of appraisal reports, pleadings, transcripts of hearings, copies of title evidence, correspondence, exhibits, trial data and related papers. Only basic records in condemnation proceedings are filed in the District Courts. Only papers including preliminary and final title opinions summarizing action on each case are maintained by the Land & Natural Resources Division in Washington. The cases here covered contain some work papers, correspondence between plaintiff and the government, and legal pleadings that are not duplicated elsewhere. Original appraisals or title evidence included in the files are transferred to the acquiring agency at the closing of the case file.

Request for Records Disposition Authority – Continuation		JOB NO	PAGE OF 3 of 3
7 ITEM NO	8 DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9 SAMPLE OR JOB NO	10 ACTION TAKEN
1.	<p><u>Land acquisition cases when the Chief, Land Acquisition Section, Land & Natural Resources Division, has assigned the case to the United States Attorney's office for litigating responsibility.</u></p> <p><u>Disposition:</u> Transfer to the FARC one year after the case is closed. Destroy 25 years after case is closed.</p>		
2.	<p><u>Case files established for reference or informational purposes.</u> Land matter case files that are not handled solely by the United States Attorney, containing copies of various documents filed elsewhere, used only for reference or informational purposes.</p> <p><u>Disposition:</u> Transfer to the FARC one year after the case is closed. Destroy five years after the case is closed.</p>		