§ 19.17 Clarifying title to property on loan. Notwithstanding any other provisions of law regarding abandoned or lost property the office may, beginning five years from the date the lender last contacted the office, clarify title to property on permanent loan or loaned for an indeterminate period or a specified term that has expired. Proof of the date on which the lender last contacted the office may include previously sent registered letters or loan forms, returned envelopes, inventories and other documentary evidence. The procedure for clarifying title shall be as follows:

1. The office must give notice by mail to the lender that it wishes to clarify ownership rights in the property.

2. In addition to the information described in section 19.16 of this article, the notice shall be entitled "Notice of Termination" and must include a statement containing substantially the following information: "The records of the office of parks, recreation and historic preservation indicate that you have property on loan at (name of facility). The office is seeking to determine whether you wish (i) that the office return the property to you, (ii) that the property remain on loan to the office subject to annual renewal, or (iii) that the office retain the property permanently as its owner. Please contact (name of contact) in writing within one hundred twenty days, in order to advise the office as to which of the above alternatives you wish to follow."

3. If, no later than one hundred twenty days following receipt thereof, the lender does not respond to the notice of termination by submitting a written claim to the property on loan with verifying documentation the office shall send a second notice to the lender containing the following information: "On (date of first notice), the office of parks, recreation and historic preservation sent you a notice concerning property that, according to our records, has been loaned to the office. You have not responded to that notice, a copy of which is enclosed, and the office will commence proceedings to acquire title to the property if you do not contact (name of contact), in writing within one hundred twenty days of receiving this second notice."

4. If the lender fails to respond to the second notice described in subdivision three of this section within one hundred twenty days of receipt, at the request of the commissioner, the attorney general may make an application to the supreme court pursuant to article thirty of the civil practice law and rules for a declaratory judgment to determine the office's right to such property. In a case in which there is no evidence that the notices previously sent by the office were received by the lender, upon application, the supreme court shall specify the method by which service shall be made upon the lender.