



Deaccessioning Policy and Practices

The Association has historically accepted items as “donated” or “On loan” to the museum. If materials are not documented as “On Loan” the Association must assume the items were donated.

When donated materials are received by the Aztec Museum Association ownership is transferred to the Association without return consideration and are considered tax deductible under federal 501 3c regulations. Donated materials are managed to further the Aztec Museum Association program goals. The Board of Directors has the option to display, store, withdraw or sell donated materials to best meet changing program objectives.

“On Loan Materials” may be considered abandoned and considered donated property after seven years in the Aztec Museum Association collection, provided the Board of Directors follows notification procedures as specified in New Mexico Statutes and Codes: Chapter 18, Article 10, 18-10-1 through 18-10-5. See attached pdf.

This policy statement was adopted by the Aztec Museum Association Board of Directors, 6/13/2013. This policy supersedes all previous similar policies and procedures.

New Mexico Statutes and Codes

Chapter 18 - Libraries, Museums and Cultural Properties. Article 10 - Abandoned Cultural Properties, 18-10-1 through 18-10-5.

18-10-1. Short title.

Sections 1 through 5 [18-10-1 to 18-10-5 NMSA 1978] of this act may be cited as the "Abandoned Cultural Properties Act".

18-10-2. Definitions.

As used in the Abandoned Cultural Properties Act [18-10-1 NMSA 1978]: A. "lender" means a person whose name appears on the records of the museum or, in the event of the death of the person, the successor in interest to the property as the person entitled to property held in the museum;

B. "loan" means all deposits of property with a museum which are not accompanied by a transfer of title to the property;

C. "museum" means an institution located in New Mexico and operated by a nonprofit corporation or public agency, primarily educational, scientific or aesthetic in purpose, which owns, borrows, cares for, studies, archives or exhibits property; and

D. "property" means all tangible objects, animate or inanimate, under a museum's care which have scientific, historic, artistic or cultural value.

18-10-3. Abandonment of property.

A. Property on loan to a museum shall be deemed abandoned:

(1) if, since the expiration date of the loan, seven years have passed with no written notice of termination of the loan from the lender to the museum; or

(2) if the loan has no expiration date, at least seven years have passed since the loan was made and the lender has failed to respond to written notice from the museum.

B. A museum shall acquire title to property deemed to be abandoned by providing the lender with a notice of abandonment. If no valid claim has been made for the property within sixty-five days from the date of notice of abandonment, title to the property shall vest in the museum free of all claims of the lender and all persons claiming on behalf of the lender.

C. Notwithstanding the provisions of Sections 13-6-1 and 13-6-2 NMSA 1978, property acquired by a museum through abandonment procedures established in the Abandoned Cultural Properties Act [18-10-1 NMSA 1978] may be kept by the museum, may be sold, with the proceeds going to the museum, or may be destroyed. The museum shall notify the state auditor or, in the case of private museums, the governing authority of the museum regarding the disposition of all abandoned property.

18-10-4. Notice of abandonment.

A. A notice of abandonment shall contain, if known, the lender's name, the lender's address, the date of the loan, a brief description of the loaned property and the name, address and telephone number of the appropriate office or official to be contacted at the museum for information regarding the loan.

B. A notice of abandonment shall be mailed by certified mail, return receipt requested, by the museum to the lender at the lender's last known address as shown in museum records. If the museum does not have an address for the lender, or if proof of receipt of notice is not received within thirty days from the mailing of a notice of abandonment, a notice of abandonment shall be published at least once a week for two successive weeks in a newspaper of general circulation in both the county in which the museum is located and the county of the lender's last known address. The museum shall exercise diligence in attempting to contact the lender.

18-10-5. Disclosure of act; notification of address change.

A. Effective July 1, 1989, any museum accepting a loan of property shall notify the lender, if known, in writing at the time of the loan of the provisions of the Abandoned Cultural Properties Act [18-10-1 NMSA 1978].

B. Within one year of the passage of this act, any museum holding property on loan shall notify the lender, if known, in writing, of the provisions of this act.

C. It is the responsibility of the lender to notify the museum in writing of any changes of address or of a change in the ownership of the property. It is the responsibility of the museum to notify the lender, in writing, of any change of address of the museum.