
COURT DECIDES WHO OWNS MONEY FOUND WITHIN WALLS OF HOME

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Grande v. Jennings

Ct. Appeals, Division One, May 31, 2012

Authored by the [JSH Appellate Team](#)

Grande was the personal representative of her father's estate. Grande knew her father liked hiding valuables around his property, and after he died, she searched the home for hidden valuables. She found gold, stocks, bonds, and cash throughout the home. Grande sold the home to Jennings "as is."

Jennings began renovations, and her contractor discovered \$500,000 in cash hidden in the walls. The contractor took the funds, but Jennings found out and sued the contractor. Grande then found out, and immediately sued in probate court to recover the money for the estate. Ultimately, Grande won summary judgment. Jennings appealed.

The court of appeals affirmed. A finder of lost property, abandoned property, or a treasure trove has the right to possess the property against everyone but the rightful owner. But a finder of "mislaid" property must turn the property over to the premises owner, who is under a duty to safeguard the property for the true owner. Here the court deemed the property mislaid, as Jennings failed to prove the money was abandoned. Further, entering into an "as is" sale, when neither party knows of the hidden money, does not turn the hidden money into abandoned property, especially when Grande asserted a right to the money immediately upon discovering its existence.