

Unclaimed Property:

US Supreme Court Holds that Money Transfer Company's Checks are Sufficiently Similar to Money Orders

Case No. 220145, US (2/28/23). In a high-profile case involving Delaware's unclaimed property priority laws for reporting a money transfer company's "official checks" that do not have an address (*i.e.*, its agent checks and teller's checks), the US Supreme Court held for the regime's challengers that such instruments are sufficiently "similar" to a money order to fit within the "other similar written instrument" category of the federal 1974 Disposition of Abandoned Money Orders and Traveler's Checks Act. Accordingly, the official checks at issue fall under a "place-of-purchase" escheatment rule that distributes escheats as a matter of equity among the states rather than cause a "windfall" to the state of incorporation (Delaware).

URL: https://www.supremecourt.gov/opinions/22pdf/145orig_kjfl.pdf

See forthcoming Multistate Tax Alert for more details on this important development, and please contact us with any questions in the meantime.

— Nina Renda (Morristown)
Partner
Deloitte Tax LLP
akrenda@deloitte.com

Tara Mastroserio (New York)
Senior Manager
Deloitte Tax LLP
tmastroserio@deloitte.com

This communication contains general information only, and none of Deloitte Touche Tohmatsu Limited (“DTTL”), its global network of member firms or their related entities (collectively, the “Deloitte organization”) is, by means of this communication, rendering professional advice or services. Before making any decision or taking any action that may affect your finances or your business, you should consult a qualified professional adviser.

No representations, warranties or undertakings (express or implied) are given as to the accuracy or completeness of the information in this communication, and none of DTTL, its member firms, related entities, employees or agents shall be liable or responsible for any loss or damage whatsoever arising directly or indirectly in connection with any person relying on this communication. DTTL and each of its member firms, and their related entities, are legally separate and independent entities.

About Deloitte

Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited (“DTTL”), its global network of member firms, and their related entities (collectively, the “Deloitte organization”). DTTL (also referred to as “Deloitte Global”) and each of its member firms and related entities are legally separate and independent entities, which cannot obligate or bind each other in respect of third parties. DTTL and each DTTL member firm and related entity is liable only for its own acts and omissions, and not those of each other. DTTL does not provide services to clients. Please see www.deloitte.com/about to learn more.

Deloitte provides industry-leading audit and assurance, tax and legal, consulting, financial advisory, and risk advisory services to nearly 90% of the Fortune Global 500® and thousands of private companies. Our professionals deliver measurable and lasting results that help reinforce public trust in capital markets, enable clients to transform and thrive, and lead the way toward a stronger economy, a more equitable society and a sustainable world. Building on its 175-plus year history, Deloitte spans more than 150 countries and territories. Learn how Deloitte’s approximately 415,000 people worldwide make an impact that matters at www.deloitte.com.