

**Israel Defense Force
Order No. 58
Order on Abandoned Properties (Private Property)**

Whereas I am of the opinion that it is necessary for the purposes of regular government and public order, I hereby order as follows: -

Definitions

1. In this Order:
 - (A) Region – the Judea and Samaria Region.
 - (B) Commissioner – The Commissioner of Abandoned Property, who will be appointed under this order.
 - (C) Appointed Date – the 28th day of the month of Iyar, 5727 (7 June, 1967).
 - (D) Movable Property – any asset of any kind, excluding Real Estate.
 - (E) Real Estate – land of any type whatsoever and of any type of possession, and any building, tree, or other item attached to the land, and any part of sea, of beach, or of river, and any right to benefit or to encumber the benefit from the land or the water or of what is above them, including minerals.
 - (F) Property – including Real Estate and Movable Property, monies, securities, a right to Property that is held or claimed, reputation, and any right in an association of natural persons or in its management, which are private property.
 - (G) Abandoned Property – whose lawful owner or the person who lawfully possessed it has left the Region before the Appointed Date or after that said date, leaving behind the Property in the Region, but a Property that is held by a person who is not its owner shall not be deemed to be Abandoned Property, unless the owner and the possessor are both absent from the Region.
 - (H) Private Property – any Property that is not owned by the state that controlled the Region before the Appointed Date.
 - (I) Fiscal Year – the year starting on the 1st day of April in a particular year and ending on the 31st day of March in the following year.
 - (J) Corporation – a company, association, or group of natural persons, be they incorporated or be they unincorporated.
 - (K) Board of Appeals – as defined in the Order on Boards of Appeals (Judea and Samaria) (No. 172), 5728-1967.

**Amendment:
Order No. 15**

**Amendment:
Order No. 273**

**Appointment of
Commissioner**

2. The Regional Commander will appoint a Commissioner of Abandoned Properties.

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| Authority | <p>3. (A) The Commissioner is a legal person and may enter into contractual agreements, possess properties, administer properties, lease and rent them, to purchase movable property, and to sell it.</p> <p>(B) Without detracting from the generality of the above, the Commissioner may:</p> <ol style="list-style-type: none"> 1. Appoint supervisors for Abandoned Properties and convey to each of them any of his powers, excepting the authority to appoint supervisors. 2. Appoint agents to administer Abandoned Properties, and to set and pay their fees. 3. Appoint clerks and other staff. |
| Vesting of Abandoned Property in the Commissioner | <p>4. (A) Every Abandoned Property is vested in the Commissioner as of the date upon which it became an Abandoned Property, and the Commissioner has the authority to seize possession of it and to take any step that he deems to be appropriate for this purpose.</p> <p>(B) Any right held by the owner or person in possession of an Abandoned Property automatically transfers to the Commissioner at the time when the Abandoned Property was vested; the Commissioner acts as the owner of the Abandoned Property.</p> <p>(C) Lack of knowledge as to the identity of the owner or of the person in possession of a Property does not prevent the Properties from being Abandoned Properties.</p> |
| Delivery of an Abandoned Property | <p>5. A person who holds an Abandoned Property in his possession must deliver it to the Commissioner.</p> |
| Abandoned Property of a Corporation | <p>6. Property owned or held by a Corporation is deemed to be Abandoned Property under Section 4 if all the partners, directors, or business managers of the Corporation, as the case may be, have left the Region.</p> |
| Law Governing the Fruit of Abandoned Property | <p>7. The fruit of Abandoned Property is governed by the same law that applies to the Abandoned Property that yields said fruit.</p> |
| Stewardship of Abandoned Property | <p>8. (A) The Commissioner will steward the Abandoned Property in person or through others, with his written consent, in order to preserve the Abandoned Property or the full value thereof, to the extent possible, for its owners or possessors, as the case may be.</p> <p>(B) The Commissioner may, in person or through others, with his written consent, make all expenditures and all investments required to maintain an Abandoned Property, including expenses for the maintenance, storage, transport, repair, or development of the Property or for other such purposes.</p> |

**Payment of
Taxes by the
Commissioner**

**Amendment:
Order No. 283**

- 8a. (A) When over a fiscal year, the income deriving from an Abandoned Property transferred to the Commissioner does not exceed the expenses incurred for its upkeep, the Commissioner shall be exempt – for as long as the property is vested – from paying any tax, municipal tax, or mandatory payment imposed by law or security legislation on the owners, the possessor, or the administrators of such property (hereinafter: Mandatory Payments).
- (B) In any other case, the total of Mandatory Payments that will be collected from the Commissioner shall not exceed the difference between the income and the expenses, as stated in subsection (A).
- (C) In the event that more than one Mandatory Payment has been imposed on a Property, the Mandatory Payments will be collected as stated in subsection (B) above, proportionally to the rate of payment determined by law or security legislation for each Mandatory Payment.
- (D) A document signed by the Commissioner specifying the income deriving from the Property as compared to the expenses that occurred in the Property during the fiscal year shall serve as *prima facie* evidence of its content for the purposes of this Order.

**Sale of
Abandoned
Property**

9. (A) The Commissioner may sell Abandoned Property that is Movable Property or the fruit of abandoned property if under the circumstances it seems to him that only in this manner it will be appropriately ascertained that the owner, or the person who had been in lawful possession of the Property, will receive compensation for the value of his right in the Property.
- (B) The proceeds from the sale will be deposited by the Commissioner in a safe deposit in a manner that will make it possible for him to fulfill the provisions of Section 13(A).

**Legality and
Validity of
Transactions**

**Amendment:
Order No. 273**

**Amendment:
Order No. 562**

10. (A) Any transactions made in good faith between the Commissioner and another person in any Property which the Commissioner believed at the time of the transaction to be a vested Property, shall not be nullified and remain effective even if it is proven that the Property was not vested at the time.
- (B) A contract made about Abandoned Property, whether before the Property was vested in the Commissioner or afterwards, shall remain in effect for the period for which it was made, unless it was voided by the Commissioner before the end of said period for one of the following reasons:
- (1) The transfer of the Property to the Commissioner was terminated under the provisions of Section 13(A) and subject to the terms set forth in it, and the Commissioner was persuaded that voiding the contract cannot

- substantively violate the rights of the other party in the contract; or
- (2) The other party to the contract has not fulfilled a substantive provision of the contract intended to ensure the rights of the owners, of the person who was in lawful possession of the Property, or of the Commissioner.
- Amendment:
Order No. 273** (C) If the effectiveness of a contract is voided under subsection (B) and the other party remains in possession of the Property after the effectiveness of the contract was voided, he shall be deemed to be a trespasser.
- Amendment:
Order No. 273** (D) Any person who believes that he has suffered damage due to a decision made by the Commissioner under subsection (B) may appeal the decision to an Board of Appeals.
- Recordkeeping** 11. (A) The Commissioner shall keep a full record of every Abandoned Property that is transferred into his possession.
- (B) The record shall include –
1. The name of the owner of the Abandoned Property, if known;
 2. The date on which possession of the Property was received, and the condition of the Abandoned Property at that time;
 3. The steps taken to conserve the Property;
 4. Regarding Movable Property: the location at which it was received or found and the location at which it is stored;
 5. In the case of a sale of Movable Property – the proceeds, and place in which they were deposited;
 6. Any expense and income relating to the Abandoned Property.
- Annual Report** 12. The Commissioner will provide the Regional Commander with a report of his actions once every year and no later than six months after the end of the fiscal year. This cannot detract from the authority to demand further reports.
- Restoration to the Owner or to the Possessor** 13. (A) In the event that the owner, or the person who was in lawful possession of Abandoned Property, has returned to the region and has proven his ownership of the Abandoned Property or his right to possess it, as the case may be, the Commissioner shall convey the Property or the proceeds thereof to him, and upon having done so, that Property shall cease to be an Abandoned Property, and every right which that person had in the Property prior to its transfer to the Commissioner shall be restored to that person or to his successor, subject to all the rights which another party has acquired in the Property pursuant to the actions of the Commissioner and subject to the provisions of
- Amendment:
Order No. 273
Order No. 562**

Section 10 and the powers of the Commissioner stated in it and deriving from it.

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(B) When an Abandoned Property is restored to its owner or to the person in whose lawful possession it had been pursuant to the provisions of subsection (A), the Commissioner may collect from him any direct expenses which he incurred relating to the Property until its restoration.

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(C) If an Abandoned Property has yielded any income during the period in which it was controlled by the Commissioner, the Commissioner is also entitled at the time of the restoration of the Property to collect management fees at a rate of 20 percent of the gross income that derived from said Property, in addition to the provision of subsection (B).

Penalties

14. (A) Any person who misappropriates Abandoned Property or does not deliver Abandoned Property to the Commissioner shall be sentenced to five years of imprisonment or to a fine of 10,000 pounds, or to both penalties simultaneously.

(B) Any person who disrupts the operations of the Commissioner shall be sentenced to two years of imprisonment or to a fine of 5,000 pounds, or to both penalties simultaneously.

(C) The content of this section cannot prevent the indictment or conviction of a person for another violation, if his actions constitute a violation under another proclamation or order by the Regional Commander, as long as criminal responsibility is not imposed twice for the same act or failure.

**Authority of the
Commissioner to
Evict at the End
of a Contractual
Relationship**

15. (A) If a person was in the possession of an Abandoned Property or did not deliver an Abandoned Property in his possession to the Commissioner after the expiration or the voiding of a contract between himself and the Commissioner without having received permission from him, the Commissioner, in addition to any other remedy in the law or in the security legislation or in the contract between said person and the Commissioner, even if jurisdiction was granted in the contract to another court, is entitled to notify the possessor in writing of his obligation to vacate the Property within 60 days, and of his right to appeal the Commissioner's decision before a Board of Appeals.

(B) If the Commissioner has given such notice, and the possessor has not vacated the Property, the Commissioner may evict him after said 60 days, and use any means necessary to execute the eviction order.

(C) Any person who deems himself injured by the decision of the Commissioner under subsection (A) above may appeal the Commissioner's decision before the Board of Appeals within 60 days from the receipt of the eviction notice. If such an appeal is filed, the eviction order shall not be executed until the final decision of the Board of Appeals is received.

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| Authority of the Commissioner to Evict in the Absence of a Contractual Agreement | 15A. | <p>(A) If a person is in possession of an Abandoned Property without permission from the Commissioner, or has not delivered an Abandoned Property in his possession to the Commissioner and Section 15 does not apply to¹ this possession, the Commissioner, in addition to any other remedy in the law or in the security legislation, is entitled to notify the possessor in writing of his obligation to vacate the Property within 45 days, and of his right to appeal the Commissioner's decision before a Board of Appeals.</p> <p>(B) If the Commissioner has given such notice, and the person in possession has not vacated the Property, the Commissioner may evict him after 45 days, and use any means necessary to execute the eviction order.</p> <p>(C) Any person who deems himself injured by the decision of the Commissioner under subsection (A) above may appeal the Commissioner's decision before the Board of Appeals within 45 days from the receipt of the of eviction notice.</p> |
| Amendment:
Order No. 1509 | | |
| Effectiveness | 16. | This order is effective as of 15 Tamuz 5727 (23 July 1967). |
| Name | 17. | This order shall be named "Order on Abandoned Properties (Private Property) (Judea and Samaria) (Number 58), 5727-1967". |

**15 Tamuz 5727
23 July 1967**

**Uzi Narkiss, Major General
and Commander of the IDF
Forces
in the West Bank Region**

Published: Compilation of Decrees, Orders, and Appointments 5 p. 158

Amendments:

1. Order No. 115 (Amendment No. 1) (5 Sept. 67) Compilation of Decrees, Orders, and Appointments 7 p. 256
2. Order No. 273 (Amendment No. 2) (12 Aug. 68) Compilation of Decrees, Orders, and Appointments 14 p. 552
3. Order No. 283 (Amendment No. 3) (26 Sept. 68) Compilation of Decrees, Orders, and Appointments 16 p. 581
4. Order No. 493 (Amendment No. 4) (20 Nov. 72) Compilation of Decrees, Orders, and Appointments 31 p. 1209
5. Order No. 562 (Amendment No. 5) (6 Sept. 74) Compilation of Decrees, Orders, and Appointments 34 p. 1385
6. Order No. 1005 (Amendment No. 6) (8 Jul. 82) Compilation of Decrees, Orders, and Appointments 56 p. 48
7. Order No. 1509 (Amendment No. 7) (10 Jul. 02) Compilation of Decrees, Orders, and Appointments 200 p. 3223

¹ Editor's note: The word "to" is omitted from the phrasing of the Section, as published in Compilation of Decrees, Orders, and Appointments 200.