

**BEFORE THE TAX APPEAL BOARD  
OF THE STATE OF DELAWARE**

SIMONE SCHLOSS,	)	
	)	
Petitioner,	)	
	)	
v.	)	Docket No. 1836
	)	
STATE ESCHEATOR,	)	
	)	
Respondent.	)	

**DECISION AND ORDER**

Petitioner Simone Schloss has appealed the respondent State Escheator’s May 8, 2023 notice of determination, which found that petitioner is not entitled to the net proceeds arising from the sale of Bitcoin currency (the “Property”) that was escheated to and sold by the respondent in 2021. Respondent determined that petitioner had not provided “evidence sufficient to establish to the reasonable satisfaction of the State Escheator that the claimant is the owner of the property” and denied petitioner’s claim on this basis.

After examining the totality of the evidence presented, including the credible testimony petitioner provided at a May 14, 2025 factual hearing, the Tax Appeal Board determines that petitioner has submitted sufficient evidence demonstrating that she is Simone Schloss and that she is the owner of the Property.

Judgment is entered for petitioner and respondent is directed to send petitioner a check in the amount of \$21,556.34 within ten business days of the issuance of this Decision and Order. The check should be sent to petitioner by overnight delivery at her current address listed on Exhibit D 1.5, and delivery should be conditioned on obtaining a signature from petitioner.

### **BACKGROUND AND THE FACTUAL RECORD**

This is an unusual case where the record demonstrates that petitioner's cousin has attempted to gain control over proceeds arising from the sale of escheated property, \$150 of Bitcoin, that the cousin gifted petitioner in 2016. Post-gift, the Bitcoin increased in value such that it had a market value of over \$21,000 at the time it was escheated to respondent. Respondent sold the Bitcoin and held the sale proceeds for the benefit of petitioner.

After realizing her gift had dramatically increased in value, petitioner's cousin took steps to gain control over the sale proceeds by contacting the Office of Unclaimed Property and other law enforcement officials. The cousin's activities impaired petitioner's ability to recover the proceeds of the Property; however, based on the record before the Board, the cousin's activities do not suggest petitioner is not Simone Schloss or that petitioner is not the owner of the Property.

The parties have filed a Stipulation of Facts ("SOF"). Footnote 1 of the SOF state's "Petitioner's identity is the primary fact at issue in this appeal. As such,

Respondent State Escheator cannot stipulate that Petitioner is indeed Simone Schloss, or that Simone Schloss and [her cousin] are not actually the same person (*e.g.*, one impersonating the other) in the context of this claim and appeal.” Other footnotes to the SOF state, “Respondent cannot stipulate to the authenticity” of certain documents attached to the SOF. At a May 14, 2025 factual hearing (the “May 14 Hearing”), the exhibits to the SOF and other exhibits presented at that hearing were introduced into evidence without objection. Respondent introduced no testimony or documentary evidence at the May 14 Hearing supporting the decision to deny petitioner’s claim. Respondent’s cross examination of petitioner did not draw petitioner’s testimony into question.

The SOF, the exhibits to the SOF, the highly credible and uncontested testimony of petitioner at the May 14 Hearing, and the exhibits introduced at that hearing form the record before the Board. The Board has relied on this record to issue this Decision and Order.<sup>1</sup>

### **THE GIFT AND ITS ESCHEATMENT**

Petitioner Simone Schloss is a current resident of Maryland and previously lived in Jamaica. May 14 Hearing; Ex. D 1.5; SOF ¶1. Petitioner is employed by General Dynamics in an IT support role. May 14 Hearing; Ex. D 1.5. She supports

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<sup>1</sup> At the May 14 Hearing, the parties and the Board agreed that further briefing in this matter was not necessary as the issues in dispute were factual, not legal, and the Board was charged with deciding the facts based on the record before it.

services provided to foreign consulates and embassies in the course of her work.  
May 14 Hearing.

In 2016, petitioner's cousin sent petitioner a gift of \$150 worth of Bitcoin currency that was held by digital wallet company Circle Pay. SOF ¶2. The gift was for the upcoming birth of petitioner's daughter. *Id.*; May 14 Hearing. A March 25, 2016 email that petitioner received from Circle Pay at the time of the gift stated, "You have received 0.35582367 BTC" from petitioner's cousin, and a message from her cousin stating, in part, "congratulations on having your first child ... I wish you a smooth and joyous delivery ...." Ex. A 1.2. Petitioner's daughter was born on April 2, 2016. Ex. C 1.1.

In 2019, Circle Pay announced that it was shutting down. Petitioner was not aware of this announcement and took no action to recover the Property from Circle Pay before it shut down. SOF ¶3; May 14 Hearing. In 2021, a Circle Pay affiliate escheated the Property to the respondent and reported that the owner of the Property was Simone Schloss located in Jamaica. SOF ¶4. Thereafter, respondent sold the Property for \$21,556.34. May 14 Hearing.

### **PETITIONER CONTACTS CIRCLE PAY**

From January 2022 through March 18, 2022, petitioner exchanged emails with Circle Pay representatives about the Property. SOF Ex. 5 at pp. 3-6. Petitioner used her email address, [agrandcreation@yahoo.com](mailto:agrandcreation@yahoo.com), the same email address she

used to create her account at Circle Pay, when communicating with Circle Pay. *Id.*

Petitioner's emails state, among other things:

- “There would have been 1 transaction within that account, from [petitioner's cousin]. Do your records show what happened to the funds she had tried to send to me? Because the 1 time I accessed the account I couldn't get to the funds, so I know [the cousin] was looking into it back then in 2016 and she's querying it now as well.”
- “Were you able to review the message below yet? [My cousin] has been trying on her end to resolve this as the initiator of the transaction.”

Petitioner testified that she and her cousin were not certain whether the cousin, as the party that deposited the funds with Circle Pay, or petitioner, the beneficiary of the deposit, was the correct party to follow up with Circle Pay so both were working to determine what had happened to the Property. May 14 Hearing.

Prior to May 18, 2022, petitioner was not aware that the Property had increased in value between 2016 and when it was escheated to respondent. On May 18, 2022, Circle Pay advised petitioner that the Property had been escheated to Delaware, she had the right to submit a claim for the Property and “[y]our claim will be worth \$21,556.34.” SOF Ex. 5 at p. 5. In response, petitioner asked Circle Pay “Should the unclaimed property be requested by the initiator ([cousin]) of the transaction, or by me, who the funds was (sic) being sent to?” *Id.* at p. 4.

Petitioner's cousin became aware of the Property's increase in value and began taking steps to gain control over the proceeds. May 14 Hearing.

## PETITIONER FILES CLAIM 1

On March 21, 2022, the Delaware Office of Unclaimed Property (“OUP”) received an email from “Simone Schloss <[agrandcreation@yahoo.com](mailto:agrandcreation@yahoo.com)>” stating that, in 2016, her cousin had attempted to send petitioner \$150.00 through Circle Pay. The email explained that petitioner had not been able to access the funds, and through inquiries with Circle Pay she learned that it had been shut down and that the property was escheated to Delaware. SOF Ex. 1. The email further explained that the OUP website did not list either petitioner or her cousin as individuals whose property had been escheated to Delaware. *Id.* The email was signed Simone Schloss and copied her cousin. *Id.*

On March 29, 2022, petitioner filed claim 475565 with OUP (“Claim 1”). SOF Ex. 2; May 14 Hearing. Claim 1 identified the claimant as Simone Schloss, listed her social security number and telephone number, listed her address in Detroit, Michigan (an old address for petitioner) and her email address of [agrandcreation@yahoo.com](mailto:agrandcreation@yahoo.com). *Id.* Under “Property Information,” Claim 1 listed property ID 38552303, the OUP identification number for the Property, and named Simone Schloss as the owner of the Property. SOF Ex. 2.<sup>2</sup>

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<sup>2</sup> On May 19, 2022, petitioner submitted a revised Claim 1. SOF Ex. 4; May 14 Hearing. OUP had advised petitioner that her claim form should list her current address in Jamaica, not her old address in Detroit. Accordingly, petitioner filed a revised claim form for Claim 1. May 14 Hearing.

Also on March 29, 2022, an unidentified individual contacted OUP by telephone stating she was assisting Simone Schloss with Claim 1 as Simone Schloss was overseas. The individual requested a copy of an email OUP had sent confirming receipt of Claim 1. OUP staff advised the caller that OUP could only communicate with Simone Schloss about Claim 1. SOF ¶7.

On May 2, 2022, OUP received an email from an address associated with petitioner's cousin regarding Claim 1. SOF Ex. 3. The May 2 email stated Claim 1 "was originated by myself, ... and received by the claimant listed, Simone Schloss.... Can you please let us know what is needed to close and resolve this claim as more information has been listed as need?" The email was signed by petitioner's cousin and copied petitioner using her email address [agrandcreation@yahoo.com](mailto:agrandcreation@yahoo.com). *Id.* and SOF ¶8.

### **CLAIM 1 IS ALLOWED**

Following the submission of Claim 1, petitioner submitted banking, passport, and other information to prove she is the owner of the Property. SOF Ex. 5; May 14 Hearing.

On September 20, 2022, OUP received a document purportedly from Simone Schloss granting her cousin power of attorney. SOF ¶11; SOF Ex. 6. The signature on this document does not match the signatures on Claim 1 or the May 19, 2022 new claim form. In addition, petitioner asserts that she did not sign the power of attorney

or grant her cousin authority to act on her behalf regarding the escheated property. SOF ¶12; May 14 Hearing.

On October 25, 2022, OUP received an email from an address associated with petitioner's cousin stating "I'm elated at the conclusion of the claim but the address listed may be incorrect and going to the wrong country..." and "Please let me know if there is any way the address can be changed nearly immediately as to prevent any further issues." SOF Ex. 7. Petitioner's cousin signed the email. OUP responded the address would not be changed and that "[a]nything regarding payment from these proceeds you will have to go through Ms. Schloss or her family." *Id.*

On October 26, 2022, OUP sent an email to [agrandcreation@yahoo.com](mailto:agrandcreation@yahoo.com) stating Claim 1 had been approved in the amount of \$21,556.34, which would be paid by check in full satisfaction of Claim 1. SOF Ex. 8. OUP then sent a check in the amount of \$21,556.34 to Simon Schloss at her address in Jamaica. SOF ¶15.

## **CHECK CANCELLED AND CLAIM 2**

While Claim 1 was pending, OUP received multiple calls from an individual who identified herself as petitioner's cousin inquiring about the status of Claim 1. SOF ¶16. This person asked that the address on the claim be changed, demanded to speak with a supervisor and stated that law enforcement had been contacted. *Id.* Petitioner's cousin also contacted Jamaican law enforcement agencies, who in turn reached out to petitioner in Jamaica. May 14 Hearing.

Between April 2, 2022 and November 14, 2022, the status of Claim 1 was checked electronically via the OUP website in excess of 2,000 times from more than 30 different IP addresses. SOF ¶17. Petitioner testified that she had checked the status of Claim 1 through the OUP website, but nowhere close to 2,000 times and that she realized it would take OUP time to resolve her claim. May 14 Hearing.

On November 14, 2022, OUP issued a stop payment on the check it issued as to Claim 1 because the documentation and phone calls suggested fraudulent or suspicious activity and a possible competing claim to the property. SOF ¶18.

On December 8, 2022, the State Escheator sent a letter by registered mail and email to [agrandcreation@yahoo.com](mailto:agrandcreation@yahoo.com). SOF ¶19. The December 8 letter stated a competing claim had been filed as to the property at issue and, as a result, Claim 1 had been closed and the check had been cancelled. *Id.* The letter also advised that a new claim (“Claim 2”) had been created for Simone Schloss and that the documentation previously submitted on Claim 1 had been transferred to Claim 2. *Id.* The letter asked for additional information from Simone Schloss to substantiate her claim to the property.

On December 9, 2022, OUP received an email from “Simone Schloss <[agrandcreation@yahoo.com](mailto:agrandcreation@yahoo.com)>” stating, among other things, that “I have undergone excessive and intimidating communication from [my cousin] over these months about that claim and my toleration of it has passed.” SOF Ex. 9.

Thereafter, petitioner sent OUP additional information regarding her identity, including copies of her driver's license, passport, and bank account information. SOF Ex. 10; May 14 Hearing.

**CLAIM 2 IS APPROVED AND A SECOND CHECK IS ISSUED**

On January 30, 2023, after reviewing documentation submitted in support of Claims 1 and 2, the State Escheator issued a letter stating Claim 2 had been approved in the amount of \$21,556.34. SOF ¶22; SOF Ex. 11. This letter was sent to petitioner by mail and email to [agrandcreation@yahoo.com](mailto:agrandcreation@yahoo.com). *Id.* On January 31, OUP followed up with a second letter, sent to [agrandcreation@yahoo.com](mailto:agrandcreation@yahoo.com), again stating Claim 2 had been approved and a check would be issued. SOF ¶23; SOF Ex. 12. That same day, OUP sent a check for \$21,556.34 to Simone Schloss at PO Box 1452, 350 Rosemont Gardens, Montego Bay #1 PO, Saint James, Jamaica. SOF ¶24.

On February 28, 2023, OUP received a response to its January 30, 2023 email from [agrandcreation@yahoo.com](mailto:agrandcreation@yahoo.com) thanking OUP for its email update. SOF Ex. 13. The email was signed Simone Schloss. *Id.* page 5.

**AN ALTERED VERSION OF THE CHECK  
IS PRESENTED FOR PAYMENT**

Petitioner never received the check OUP sent her on January 31, 2023. May 14 Hearing. Petitioner traveled to Detroit for a family emergency on April 27, 2023. SOF ¶27; SOF Ex. 14.

On May 3, 2023, OUP received an email from [agrandcreation@yahoo.com](mailto:agrandcreation@yahoo.com) inquiring about the status of the check and stating, “I happen to be back in Detroit for a few weeks and having checked before I left Jamaica that the registered mail with the check had not made it to my mailbox, I’m reaching out to see if there is a possibility for it to be sent to me here.” SOF Ex. 13, page 4.

On May 8, 2023, the State Escheator wrote petitioner noting that OUP had issued a check but that:

the State of Delaware’s bank has ... informed my office that an altered and fraudulent version of the check issued to you was presented for payment and my office directed the bank to stop payment on the check. Because of this and the totality of the circumstances surrounding the competing claims for this property, I have rescinded my prior approval of your claim on the basis that your claim appears to be a fraudulent claim attempt. As such, it is my determination that you have not provided “evidence sufficient to establish to the reasonable satisfaction of the State Escheator that the claimant is the owner of the property” in accordance with 12 *Del. C.* § 1166(a).”

SOF Ex. 15. The record does not contain a copy of the altered check, any information regarding who presented the altered check or where it was presented for payment.

This appeal followed.

### **THE MAY 14 HEARING**

At the May 14 Hearing, petitioner testified and provided documents addressing the two issues in dispute: (i) is she Simone Schloss; and (ii) is she the

owner of the Property. May 14 Hearing; Exs. A 1.1-1.6, B 1.1-1.4, C 1.1-1.4 and D 1.1-1.5. Petitioner also brought her Jamaican passport to the hearing for physical inspection.

Petitioner testified credibly as to her identity and the circumstances that led to her ownership of the Property. She also testified credibly as to the nature of her dealings with her cousin, her cousin's view that, notwithstanding the Bitcoin was a gift, the cousin was entitled to the appreciated value, and what she knew of her cousin's efforts to gain control over the Property proceeds.

### **ANALYSIS**

The Board, having reviewed the factual record presented, hereby determines that petitioner is Simone Schloss and that she is the owner of the Property.

The record includes documentation that respondent twice relied on to grant petitioner's claims (only to later revoke that approval). SOF Exs. 5 and 10. It also includes testimony and exhibits introduced at the May 14 Hearing that prove petitioner is Simone Schloss. May 14 Hearing; SOF Exs. 5 and 10; Exs. B 1.1-1.4 and D 1.1-1.5. The Board was also able to inspect petitioner's physical passport at that hearing. While petitioner's cousin has taken steps to involve herself in the claim process, nothing in the record suggests petitioner is her cousin or anyone other than Simone Schloss.

The record also shows petitioner owned the Property. The evidence reflects petitioner's cousin deposited funds with Circle Pay that were converted to Bitcoin, and that this deposit was a gift for petitioner. SOF ¶2; Exs. A 1.1 and A 1.2. Circle Pay contacted petitioner, the owner/account holder, when its payment platform stopped functioning in 2019. Ex. A 1.3; May 14 Hearing. In 2021, Circle Pay listed petitioner as the Property owner at the time the Property was escheated to respondent. SOF ¶4. In 2022, Circle Pay recognized petitioner as the owner of the Property and informed her that her Property had been escheated to Delaware and that she could file an unclaimed property claim. Ex. A 1.4. Petitioner later obtained a letter from Circle Pay stating she was a current Circle Pay customer and had been a customer since March 2016. Ex. A 1.6. Respondent recognized petitioner owned the Property on two occasions, only to retract those decisions.

Petitioner's cousin has taken steps on the premise she is the owner of the Property or has a right to the sale proceeds; however, nothing in the record suggests that is true. Petitioner owned the Property and is entitled to the sale proceeds arising therefrom.

Judgment is entered for petitioner, and respondent is directed to send petitioner a check in the amount of \$21,556.34 within ten business days of the issuance of this Decision and Order. The check should be sent to petitioner by

overnight delivery at her current address listed on Exhibit D 1.5, and delivery should be conditioned on obtaining a signature from petitioner.

SO ORDERED this 2<sup>nd</sup> day of June, 2025.

Jean C. Selt

[Signature]

Jean M. White

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M. Lynn Tucker