

Form E3-1. Declaration of Provenance and Chain of Custody for Found Material

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When to use. A finder or landowner documenting provenance and custody of material found on private land. **Not for:** Material obtained from a government program.

Deadlines. Prepare as soon as possible after discovery and update at each transfer.

[ATTORNEY NAME] (State Bar No. [____])
[FIRM NAME]
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[City, State ZIP]
Telephone: [(____) ____-____]
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Attorneys for Plaintiff [NAME]

**[NAME OF COURT]
[DISTRICT OR COUNTY]**

[PARTY NAME],

Plaintiff,

v.

[PARTY NAME],

Defendant.

Case No. [____]

**DECLARATION OF [NAME]
REGARDING DISCOVERY,
PROVENANCE, AND
CUSTODY OF MATERIAL**

I, [name], declare:

1. **Identity.** I am [age], residing at [address]. I make this declaration from personal knowledge.

2. **Discovery.** On [date], at approximately [time], I found [description: size, weight, color, shape, apparent composition] at [location; GPS coordinates; property description]. The material was [lying on the surface / embedded at a depth of ____ / in water]. Photographs taken at the time of discovery are attached as Exhibit A, with original files preserved with metadata.

3. **Land status.** The land where I found the material is owned by [owner]. [I am the owner / I had permission from the owner to be on the land (attach written permission) / the land is (state, tribal, federal) land]. [If not the owner: The landowner has assigned to me any interest in the material by the assignment attached as Exhibit B.]

4. **Circumstances.** [Describe any associated event: observed object, sounds, lights, debris field, other persons present, any government or other personnel who arrived later.]

5. **Witnesses.** [Names and contact information.]

6. **Custody.** Since discovery the material has been kept at [location] in [container], under my control. The following persons have handled or examined it: [names, dates, purpose]. No portion has been removed, except [describe any samples, by whom, when, and where they are now].

7. **Testing.** [None / describe non-destructive or destructive tests, laboratory, results.]

8. **Government contact.** [None / describe any contact with law enforcement, military, AARO, or other agencies, including any requests for the material and my responses.]

9. **Claims.** I claim ownership of the material [as landowner / as finder / by assignment]. I have not transferred any interest in it, except [describe].

10. **Hazards.** [Describe any precautions; any radiation or chemical measurements.]

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on [date] at [city, state].

[Signature]

Witness acknowledgment

I, [name], [relationship to declarant, e.g., neighbor present at discovery / laboratory technician], declare that on [date] I [was present when the material described above was found at the place described / received the material from the declarant for the testing described in paragraph 7 / observed the material in the condition described]. [Describe what the witness personally saw.] I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on [date] at [city, state]. [Signature] [Printed name, contact]

Custody log (attach and update): date | from | to | purpose | condition | signatures

Drafting notes

- **Witnesses.** Have each person who was present at discovery, or who handled the material, sign a witness acknowledgment as soon as possible. Contemporaneous statements are the best answer to an authentication challenge under Fed. R. Evid. 901(b)(1) and to a later claim that the material was planted or substituted.
- **Photographs and location.** Photograph the material where found before moving it, with a scale and a GPS-tagged image, and photograph each container seal. Keep the original files with their metadata.
- **Testing protocol.**
 - a. Begin with non-destructive tests (photography, weight, dimensions, X-ray fluorescence, radiation survey).
 - b. Use an independent, accredited laboratory (ISO/IEC 17025) with its own chain-of-custody forms.
 - c. Split any sample used for destructive testing, keep a retained portion sealed, and record its weight.
 - d. Have the laboratory describe methods and uncertainty in its report, so the results can meet Fed. R. Evid. 702.
 - e. Do not send material outside the United States, or give foreign nationals access to technical results, without export-control advice ([Issue A5](#)).
- **Hazards.** If a radiation or chemical measurement is elevated, stop and contact the state radiation control program or a hazardous materials professional before further handling.
- Related: [Issue E3](#), E1; Forms E1-1, A5-1.