

"AN ACT TO AMEND SECTION 3 OF ACT 989 OF 1985 [ARK. STAT. 34-1221], TO CLARIFY WHEN A LIEN FOR UNPAID CHILD SUPPORT ATTACHES TO PERSONAL PROPERTY; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Section 3 of Act 989 of 1985, the same being Arkansas Statute 34-1221, is hereby amended to read as follows:

"Section 3. (A) Support which has been ordered paid through the registry of the court and which has become overdue shall become a lien on all personal property owned by the non-custodial parent wherever such may be found and need not be limited to the confines of the county where the court is sitting. Notice of the lien as authorized by this section shall be filed, indexed and perfected in the same manner as financing statements covering consumer goods, under Subsection (1)(a) of Section 9-401 of Act 185 of 1961, as amended, the Uniform Commercial Code. The notice form shall be devised as set forth in Section 7 of Act 989 of 1985, as amended. Upon proof that the non-custodial parent has refused or failed to support his or her child or children pursuant to the order, the court may cause such property to be forthwith surrendered to the sheriff of the county where the property may be located and may direct the sheriff to take such action as necessary to have it sold and apply the proceeds from any sale thereof towards the costs of the sale, and superior lien(s), the support obligation, (including court costs and any awarded attorney's fees pursuant thereto), and any inferior lien(s). Any amounts in excess of the overdue support, costs and fees, and other liens, shall be paid to the non-custodial parent. Any person who may purchase any personal property owned by the non-custodial parent for value and without notice of the lien for support, prior to the filing of the lien as set forth in Subsection (A) of this Section, shall take the property free of said lien.

(B) For purposes of this Section, overdue support means a delinquency pursuant to an obligation created under a court decree, order of judgement or an order of an administrative process established under State law for the support and maintenance of a minor child.

(C) The lien against personal property created herein shall bear the same priority as set forth in Section 9-312 of Act 185 of 1961, as amended.

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

APPROVED: 4/1/87

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