

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Senator Hopkins**

# A Bill

**ACT 1081 OF 1993**  
**SENATE BILL 284**

## For An Act To Be Entitled

8 "AN ACT TO CURE DEFECTIVE ACKNOWLEDGEMENTS OF CONVEYANCES,  
9 MARRIAGE CONTRACTS AND OTHER INSTRUMENTS OF WRITING,  
10 PURPORTING TO AFFECT TITLES TO LANDS AND PERSONAL  
11 PROPERTY; TO PROVIDE THAT CERTAIN FUTURE DEFECTS WILL NOT  
12 RENDER THE INSTRUMENTS OF WRITING INEFFECTUAL; AND FOR  
13 OTHER PURPOSES."

## Subtitle

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16 "AN ACT TO CURE DEFECTS IN CERTAIN INSTRUMENTS OF WRITING  
17 AND TO PROVIDE THAT CERTAIN FUTURE DEFECTS WILL NOT RENDER  
18 SUCH INSTRUMENTS INEFFECTUAL."

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

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23 SECTION 1. (a) All deeds, conveyances, deeds of trust, mortgages,  
24 marriage contracts, and other instruments in writing, affecting or purporting  
25 to affect the title to any real estate or personal property situated in this  
26 state, which have been recorded and which are defective or ineffectual:  
27 (1) Because of failure to comply with Arkansas Code 18-12-403; or  
28 (2) Because the officer who certified the acknowledgment or  
29 acknowledgments to such instruments omitted any words required by law to be in  
30 the certificate or acknowledgments; or  
31 (3) Because the officer failed or omitted to attach his seal to  
32 such certificate; or  
33 (4) Because the officer attached to any such certificate a seal  
34 not bearing the words and devices required by law; or  
35 (5) Because the officer was a mayor of a city or an incorporated  
36 town in the state of Arkansas and as such was not authorized to certify to

1 executions and acknowledgments to such instruments, or was the deputy of an  
2 official duly authorized by law to take acknowledgments but whose deputy was  
3 not so authorized; or

4           (6) Because the notary public failed to state the date of the  
5 expiration of his commission on the certificate of acknowledgment, or  
6 incorrectly stated it thereon; or

7           (7) Because the officer incorrectly dated the certificate of  
8 acknowledgment or failed to state the county wherein the acknowledgment was  
9 taken; or

10           (8) Because the acknowledgment was certified in any county of the  
11 state of Arkansas by any person holding an unexpired commission as notary  
12 public under the laws of the state who had, at the time of the certification,  
13 ceased to be a resident of the county within and for which he or she was  
14 commissioned;

15           (b) Such conveyance, deeds of trust, mortgages, marriage contracts, and  
16 other instruments shall be as binding and effectual as though the certificate  
17 of acknowledgment or proof of execution was in due form, bore the proper seal,  
18 and was certified to by a duly authorized officer.

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20           SECTION 2. (a) A deed, conveyance, deed of trust, mortgage, marriage  
21 contract, and other instrument in writing, affecting or purporting to affect  
22 the title to any real estate or personal property situated in this state,  
23 which is executed after the effective date of this act, shall not be deemed  
24 defective or ineffectual:

25           (1) Because the officer failed or omitted to attach his seal to  
26 such certificate; or

27           (2) Because the officer attached to any such certificate a seal  
28 not bearing the words and devices required by law; or

29           (3) Because the notary public failed to state the date of the  
30 expiration of his commission on the certificate of acknowledgment, or  
31 incorrectly stated it thereon; or

32           (4) Because the officer incorrectly dated the certificate of  
33 acknowledgment or failed to state the county wherein the acknowledgment was  
34 taken; or

35           (5) Because the acknowledgment was certified in any county of the

1 state of Arkansas by any person holding an unexpired commission as notary  
2 public under the laws of the state who had, at the time of the certification,  
3 ceased to be a resident of the county within and for which he or she was  
4 commissioned.

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6 SECTION 3. All provisions of this act of a general and permanent  
7 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
8 Code Revision Commission shall incorporate the same in the Code.

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10 SECTION 4. If any provision of this act or the application thereof to  
11 any person or circumstance is held invalid, such invalidity shall not affect  
12 other provisions or applications of the act which can be given effect without  
13 the invalid provision or application, and to this end the provisions of this  
14 act are declared to be severable.

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16 SECTION 5. All laws and parts of laws in conflict with this act are  
17 hereby repealed.

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APPROVED: 04/13/93

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