

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 2270 of the Regular Session

As Engrossed: S2/14/05 S4/1/05 H4/11/05

A Bill

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

SENATE BILL 188

4
5 By: Senators Wooldridge, G. Jeffress, J. Jeffress, B. Johnson

6 By: Representative Roebuck
7
8

9 **For An Act To Be Entitled**

10 AN ACT TO ENHANCE THE MARKETABILITY OF THE TITLE
11 OF PROPERTY SOLD FOR NONPAYMENT OF TAXES; AND FOR
12 OTHER PURPOSES.
13

14 **Subtitle**

15 TO ENHANCE THE MARKETABILITY OF THE
16 TITLE OF PROPERTY SOLD FOR NONPAYMENT OF
17 TAXES.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code Title 18, Chapter 12, Subchapter 6 is amended
23 to add an additional section to read as follows:

24 18-12-608. Marketability of property sold at tax sales.

25 (a) The title to any real property located within the State of
26 Arkansas based upon a deed resulting from a delinquent tax sale is marketable
27 if:

28 (1) The tax deed has been of record for more than fifteen (15)
29 years;

30 (2) Any taxes due have been paid by the tax deed grantee or the
31 heirs or successors of the tax deed grantee for more than fifteen (15) years;

32 (3) No claim of adverse possession of the property has been
33 asserted or filed of record since the recording of the tax deed; and

34 (4) The taxes for which the tax deed was issued had not been
35 paid before the tax deed was executed and delivered to the tax deed grantee.



1 (b) This section shall not be subject to the additional time to
2 challenge a tax deed given to minors, persons suffering a mental incapacity,
3 or persons serving in the United States armed forces during a time of war
4 under § 26-37-203(b).

5 (c) Nothing in this section shall preclude a judicial action to quiet
6 the title to any real property located within this state prior to the time
7 that the title to the property is considered marketable under subsection (a)
8 of this section.

9 (d) This section shall not apply to tax sales of severed mineral
10 interests.

11
12 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
13 General Assembly of the State of Arkansas that the titles to real property
14 rights purchased at delinquent tax sales are not marketable; that the
15 inability to receive marketable title to real property is an unreasonable
16 alienation of real property and harmful to the economy; and that this act
17 will permit the marketability of real property rights purchased at delinquent
18 tax sales for the good of the state and its citizens. Therefore, an
19 emergency is declared to exist and this act being immediately necessary for
20 the preservation of the public peace, health, and safety shall become
21 effective on:

22 (1) The date of its approval by the Governor;

23 (2) If the bill is neither approved nor vetoed by the Governor,
24 the expiration of the period of time during which the Governor may veto the
25 bill; or

26 (3) If the bill is vetoed by the Governor and the veto is
27 overridden, the date the last house overrides the veto.

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29 /s/ Wooldridge, et al

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32 APPROVED: 4/14/2005

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