

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 84 of the Regular Session

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

A Bill

HOUSE BILL 1192

4
5 By: Representative Reep
6
7

8 **For An Act To Be Entitled**

9 AN ACT TO MODIFY THE REQUIREMENTS FOR ADVERSE
10 POSSESSION WITH REGARD TO ENTITIES EXEMPT FROM
11 THE PAYMENT OF AD VALOREM TAXES; AND FOR OTHER
12 PURPOSES.
13

14 **Subtitle**

15 AN ACT TO MODIFY THE REQUIREMENTS FOR
16 ADVERSE POSSESSION WITH REGARD TO
17 ENTITIES EXEMPT FROM THE PAYMENT OF AD
18 VALOREM TAXES.
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 18-11-106 is amended to read as follows:
24 18-11-106. Adverse possession.

25 (a) To establish adverse possession of real property, the person, and
26 those under whom the person claims, must have actual or constructive
27 possession of the property being claimed and have either:

28 (1)(A) Held color of title to the property for a period of at
29 least seven (7) years, and during that time have paid ad valorem taxes on the
30 property.

31 (B) For purposes of this subdivision (a)(1) of this
32 section, color of title may be established by the person claiming adversely
33 to the true owner by paying the ad valorem taxes for a period of at least
34 seven (7) years for unimproved and unenclosed land or fifteen (15) years for
35 wild and unimproved land, provided the true owner has not also paid the ad



1 valorem taxes or made a bona fide good faith effort to pay the ad valorem
2 taxes which were misapplied by the state and local taxing authority; or

3 (2) Held color of title to real property contiguous to the
4 property being claimed by adverse possession for a period of at least seven
5 (7) years, and during that time have paid ad valorem taxes on the contiguous
6 property to which the person has color of title.

7 (b)(1) The requirements of subsection (a) of this section with regard
8 to payment of ad valorem taxes shall not apply to a person or entity exempt
9 from the payment of ad valorem taxes by law.

10 (2) For the person or entity exempt from the payment of ad
11 valorem taxes to establish adverse possession of real property, the person or
12 entity must have:

13 (A) Actual or constructive possession of the property
14 being claimed and held color of title to the property for a period of at
15 least seven (7) years; or

16 (B) Actual or constructive possession of the property
17 being claimed and held color of title to the real property contiguous to the
18 property being claimed by adverse possession for a period of at least seven
19 (7) years.

20 ~~(b)(c)~~ The requirements of this section are in addition to all other
21 requirements for establishing adverse possession.

22 ~~(e)(d)~~ This section shall not repeal any requirement under existing
23 case law for establishing adverse possession but shall be supplemental
24 thereto, and, specifically, this section shall not diminish the presumption
25 of possession of unimproved and unenclosed land created under § 18-11-102 by
26 payment of taxes for seven (7) years under color of title or the presumption
27 of color of title on wild and unimproved land created under § 18-11-103 by
28 payment of taxes for fifteen (15) consecutive years.

29
30
31 APPROVED: 2/08/2005
32
33
34
35
36

1