

As Engrossed: 3/14/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Steve Bell**

A Bill

SENATE BILL 435

For An Act To Be Entitled

8 "AN ACT TO AMEND TITLE 28, CHAPTER 65, SUBCHAPTER 3 OF THE
9 ARKANSAS CODE OF 1987 TO PERMIT THE SALE OF PROPERTY HELD
10 BY THE ESTATE UPON APPOINTMENT OF A SPECIAL GUARDIAN; AND
11 FOR OTHER PURPOSES."

12
13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

14
15
16 SECTION 1. Arkansas Code §28-65-314(b) is hereby amended to read as
17 follows:

18 "(b) A guardian shall not purchase property of the ward, unless sold at
19 public sale and approved by the court, and then only if the guardian is a
20 spouse, parent, child, brother, or sister of the ward and is a cotenant with
21 the ward in the property. *This requirement shall not be applicable where a*
22 *special guardian is appointed to represent the interest of the ward and such*
23 *special guardian reports to the court after the property has been appraised*
24 *that the proposed purchase at a private sale is in the best interest of the*
25 *ward. The report of the special guardian shall also be subject to the*
26 *approval of the court after notice to all interested parties is given and a*
27 *hearing is held by the court.*"

28
29 SECTION 2. All provisions of this act of a general and permanent nature
30 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
31 Revision Commission shall incorporate the same in the Code.

32
33 SECTION 3. If any provision of this act or the application thereof to
34 any person or circumstance is held invalid, such invalidity shall not affect
35 other provisions or applications of the act which can be given effect without

1 the invalid provision or application, and to this end the provisions of this
2 act are declared to be severable.

3

4 SECTION 4. All laws and parts of laws in conflict with this act are
5 hereby repealed.

6

7

/s/Steve Bell

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35