

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

# A Bill

**HOUSE BILL**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED 9-12-317 TO  
9 PERMIT THE UNEQUAL DIVISION OF CERTAIN PROPERTY IN DIVORCE  
10 PROCEEDINGS; AND FOR OTHER PURPOSES."

## Subtitle

13 "AN ACT TO PERMIT THE UNEQUAL DIVISION OF CERTAIN PROPERTY  
14 IN DIVORCE PROCEEDINGS."

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

18 SECTION 1. Arkansas Code 9-12-317 is amended to read as follows:

19 "9-12-317. Dissolution of estates by the entirety or survivorship.

20 (a) (1) When any chancery court in this state renders a final decree of  
21 divorce, any estate by the entirety or survivorship in real or personal  
22 property held by the parties to the divorce shall be automatically dissolved  
23 unless the court order specifically provides otherwise. In the division and  
24 partition of the property, the parties shall be treated as tenants in common.

25 (2) Ordinarily, any estate by the entirety or survivorship in  
26 real or personal property held by the parties to the divorce shall be  
27 dissolved pursuant to subsection (a) (1) resulting in the ownership of the  
28 property being equally divided between the parties to the divorce; however,  
29 the court may make an unequal division of any estate by the entirety or  
30 survivorship in real or personal property held by the parties to the divorce  
31 when the court deems an unequal division is equitable taking into  
32 consideration:

33 (A) the length of the marriage;

34 (B) age, health, and station in life of the parties;

35 (C) occupation of the parties;

- 1 (D) amount and sources of income;
- 2 (E) vocational skills;
- 3 (F) employability;
- 4 (G) estate, liabilities, and needs of each party and
- 5 opportunity of each for future acquisition of capital assets and income;
- 6 (H) contribution of each party in acquisition, preservation,
- 7 or appreciation of marital property, including services as a homemaker; and
- 8 (I) the federal income tax consequences of the court\_s
- 9 division of property.

10 (b) Notwithstanding subsection (a) of this section or any other law to  
 11 the contrary, when one (1) of the parties to the estate by the entirety has  
 12 been found guilty or has plead guilty or nolo contendere to a felony during  
 13 the marriage and within three (3) years of filing the complaint for divorce  
 14 and the other party to the divorce did not benefit from the felony, the  
 15 chancellor may award the property to the spouse who did not commit the felony  
 16 or to both parties in any proportion deemed equitable by the chancellor."

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 18 SECTION 2. All provisions of this act of a general and permanent nature  
 19 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
 20 Revision Commission shall incorporate the same in the Code.

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 22 SECTION 3. If any provision of this act or the application thereof to  
 23 any person or circumstance is held invalid, such invalidity shall not affect  
 24 other provisions or applications of the act which can be given effect without  
 25 the invalid provision or application, and to this end the provisions of this  
 26 act are declared to be severable.

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

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