

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

A Bill

SENATE BILL

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

1 town in the state of Arkansas and as such was not authorized to certify to
2 executions and acknowledgments to such instruments, or was the deputy of an
3 official duly authorized by law to take acknowledgments but whose deputy was
4 not so authorized; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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