

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

# A Bill

**SENATE BILL 443**

## **For An Act To Be Entitled**

8 "AN ACT TO ESTABLISH A CAUSE OF ACTION TO VOID PROPERTY  
9 TRANSFERS TO DEFRAUD A CREDITOR WITHIN THREE YEARS OF THE  
10 DATE OF JUDGMENT AGAINST THE DEBTOR; AND FOR OTHER  
11 PURPOSES."

## **Subtitle**

14 "ESTABLISH CAUSE OF ACTION TO VOID PROPERTY TRANSFERS TO  
15 DEFRAUD A CREDITOR."

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

19 SECTION 1. Creditors may file an action in circuit court to void any  
20 transfer of property by a debtor which transfer was made within three years  
21 prior to the date the creditor obtained a judgment against the debtor if the  
22 *debtor made the transfer with intent to defraud the creditor. In actions*  
23 *brought under the provision of this act, the court may award the prevailing*  
24 *party reasonable attorneys' fees and court costs.*

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

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

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2 hereby repealed.

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4 SECTION 5. EMERGENCY. It is hereby found and determined by the General  
5 Assembly that present law is not definite and certain regarding transfers of  
6 property to defraud a creditor; that this act clarifies the cause of action  
7 and the statute of limitations regarding thereto; and that such clarification  
8 should become effective as soon as possible. Therefore, an emergency is  
9 hereby declared to exist and this act being necessary for the immediate  
10 preservation of the public peace, health and safety shall be in full force and  
11 effect from and after its passage and approval.

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*/s/ Senator Wilson*

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