

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.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: S3/31/03 S4/2/03

A Bill

SENATE BILL 879

5 By: Senator Malone
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7

For An Act To Be Entitled

9 AN ACT TO REQUIRE FOREIGN CORPORATIONS AND OTHER
10 BUSINESS ENTITES AUTHORIZED TO DO BUSINESS IN
11 THIS STATE TO TAKE ADVANTAGE OF THE STATUTORY
12 FORECLOSURE ACT; AND FOR OTHER PURPOSES.
13

Subtitle

15 AN ACT TO REQUIRE FOREIGN CORPORATIONS
16 AND OTHER BUSINESS ENTITES AUTHORIZED TO
17 DO BUSINESS IN THIS STATE TO TAKE
18 ADVANTAGE OF THE STATUTORY FORECLOSURE
19 ACT.
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21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 *SECTION 1. Arkansas Code Title 18, Chapter 50, Subchapter 1 is amended*
25 *to add an additional section to read as follows:*

26 *18-50-117. Foreign corporations and other entities.*

27 *No person, firm, company, association, fiduciary, or partnership,*
28 *either domestic or foreign, shall avail themselves of the procedures under*
29 *this chapter unless authorized to do business in this state.*
30

31 *SECTION 2. Arkansas Code § 18-50-102(a), concerning the qualifications*
32 *of a trustee acting under Arkansas' statutory foreclosure law, is amended to*
33 *read as follows:*

34 *(a) A trustee of a deed of trust shall be any:*

35 *(1) Attorney who is an active licensed member of the Bar of the*
36 *Supreme Court of the State of Arkansas or law firm among whose members*



1 includes such an attorney;

2 (2) Bank or savings and loan association authorized to do
3 business under the laws of Arkansas or those of the United States; or

4 (3) Corporation ~~authorized to conduct a trust business in~~
5 ~~Arkansas or the United States~~ which is an affiliate of a bank or savings and
6 loan association authorized to do business under the laws of Arkansas or
7 those of the United States, which is either an Arkansas bank or a registered
8 out of state bank as the terms are defined under § 23-45-102, which maintains
9 a branch in the State of Arkansas; or

10 (4) Agency or authority of the State of Arkansas where not
11 otherwise prohibited by law.

12
13 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
14 General Assembly of the State of Arkansas that foreign entities not
15 authorized to do business in the State of Arkansas are availing themselves to
16 the provisions of the Statutory Foreclosure Act of 1987; that often times it
17 is to the detriment of Arkansas citizens; and that this act is immediately
18 necessary because these entities should be authorized to do business in the
19 State of Arkansas before being able to use the Statutory Foreclosure Act of
20 1987 ag. Therefore, an emergency is declared to exist and this act being
21 immediately necessary for the preservation of the public peace, health, and
22 safety shall become effective on:

23 (1) The date of its approval by the Governor;

24 (2) If the bill is neither approved nor vetoed by the Governor,
25 the expiration of the period of time during which the Governor may veto the
26 bill; or

27 (3) If the bill is vetoed by the Governor and the veto is
28 overridden, the date the last house overrides the veto.

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30 /s/ Malone
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