

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: S3/22/11
A Bill

SENATE BILL 594

5 By: Senator J. Dismang
6

7 **For An Act To Be Entitled**

8 AN ACT TO CLARIFY THE GROUNDS AND PROCEDURES FOR
9 SETTING ASIDE A SALE OF TAX-DELINQUENT LANDS; AND FOR
10 OTHER PURPOSES.
11

12
13 **Subtitle**

14 TO CLARIFY THE GROUNDS AND PROCEDURES FOR
15 SETTING ASIDE A SALE OF TAX-DELINQUENT
16 LANDS.
17

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 26-37-201(d) and (e), concerning the
22 consequences of defects in publishing notice of the sale of tax-delinquent
23 lands, are amended to read as follows:

24 (d)~~(1)~~ Failure of the notice to contain the information required in
25 subsection (b) of this section ~~invalidates~~ does not invalidate an auction
26 sale of the land unless an owner or interested party did not receive notice
27 in substantial compliance with § 26-37-301.

28 (2) Only an owner or interested party that fails to receive
29 notice in substantial compliance with § 26-37-301 may challenge the validity
30 of the publication notice.

31 (e) As used in this ~~section~~ subchapter, “owner” and “interested party”
32 ~~has the same meaning as~~ mean the same as defined in § 26-37-301.
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34 SECTION 2. Arkansas Code § 26-37-203 is amended to read as follows:
35 26-37-203. Conveyance to purchaser – Contest.

36 (a) If the tax-delinquent land is not redeemed within the thirty-day



1 period under § 26-37-202, the Commissioner of State Lands shall ~~issue~~ convey
2 the tax-delinquent land by issuing a limited warranty deed to the land.

3 (b)(1) Except as provided in subdivisions (b)(2) and (3) of this
4 section, ~~all actions~~ an action to contest the validity of ~~the a~~ a conveyance
5 under this section shall be brought is barred if not commenced within one (1)
6 year after the date of the conveyance ~~or thereafter be barred~~.

7 (2) A cause of action by a person suffering a mental incapacity,
8 a minor, or a person serving in the United States armed forces during time of
9 war during the ~~two-year~~ one-year period under subdivision (b)(1) of this
10 section shall be brought is barred if not commenced within two (2) years
11 after the disability is removed, the minor reaches majority, or the person is
12 released from active duty during time of war with the United States armed
13 forces.

14 (3) An action to challenge the validity of a conveyance to a
15 purchaser of land that was sold at a negotiated sale under § 26-37-101 ~~shall~~
16 be brought is barred if not commenced within ninety (90) days after the date
17 of the conveyance ~~or thereafter be barred~~.

18 (c) ~~No~~ A deed issued after January 1, 1987, by the Commissioner of
19 State Lands ~~shall be~~ is not void or voidable on the ground that the county
20 did not strictly comply with the laws governing tax-delinquent land ~~if prior~~
21 ~~to the issuance of the deed the Commissioner of State Lands complied with the~~
22 ~~laws governing the disposition of tax-delinquent land~~.

23 (d) ~~Nothing in this section shall~~ This section does not prevent ~~any a~~ a
24 taxpayer from ~~attacking~~ contesting the validity of a deed issued by the
25 Commissioner of State Lands on the ground that taxes have actually been paid.
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27 SECTION 3. Arkansas Code § 26-37-204, concerning the setting aside of
28 a sale of tax-delinquent lands, is amended to add an additional subsection to
29 read as follows:

30 (g) An owner or interested party shall tender a cashier's check or
31 cash equal to the amount of all taxes, penalties, interest, and costs charged
32 against the tax-delinquent land:

33 (1) Into the registry of the court before filing a complaint to
34 set aside a sale of tax-delinquent land; or

35 (2) With the Commissioner of State Lands before asking the
36 Commissioner of State Lands to set aside a sale of tax-delinquent lands.

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/s/J. Dismang