

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

*As Engrossed: H2/20/13*

# A Bill

HOUSE BILL 1265

5 By: Representatives Broadaway, Ferguson, Jett, Julian, Ratliff, D. Whitaker, Wren  
6

## For An Act To Be Entitled

8 AN ACT AMENDING THE FORM OF NOTICE REQUIRED WHEN A  
9 SMALL ESTATE IS DISTRIBUTED WITHOUT ADMINISTRATION;  
10 AND FOR OTHER PURPOSES.  
11  
12

### Subtitle

13 AMENDING THE FORM OF NOTICE REQUIRED WHEN  
14 A SMALL ESTATE IS DISTRIBUTED WITHOUT  
15 ADMINISTRATION.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 28-41-101(b), concerning the form of notice  
22 required when there is a distribution of a small estate without  
23 administration, is amended to read as follows:

24 (b)(1)(A) The clerk shall file the affidavit, assign it a number, and  
25 index it as required by § 28-1-108(1).

26 (B) He or she shall make a charge of twenty-five dollars  
27 (\$25.00) for filing the affidavit and five dollars (\$5.00) for each certified  
28 copy.

29 (C) ~~No~~ An order of the court or other proceeding ~~shall be~~  
30 is not necessary.

31 (D) ~~No additional fees~~ An additional fee shall not be  
32 charged if a will is attached to the affidavit.

33 (2)(A) If an estate collected under this section contains real  
34 property, in order to allow for claims against the estate to be presented,  
35 the distributee shall cause a notice of the decedent's death and the filing  
36 of an affidavit for ~~collecting~~ the collection of his or her estate to be



1 published within thirty (30) days after the affidavit has been filed.

2 (B) The notice shall ~~contain~~ be in substantially the  
3 following form:

4 ~~(i) The name of the decedent and his or her last~~  
5 ~~known address;~~

6 ~~(ii) The date of death;~~

7 ~~(iii) A statement that the affidavit was filed, the~~  
8 ~~date of the filing, and a legal description of all real property listed in~~  
9 ~~the affidavit;~~

10 ~~(iv) A statement requiring all persons having claims~~  
11 ~~against the estate to exhibit them, properly verified, within three (3)~~  
12 ~~months from the date of the first publication of the notice, or they shall be~~  
13 ~~forever barred and precluded from any benefit in the estate;~~

14 ~~(v) The name and mailing address of the distributee~~  
15 ~~or his or her attorney; and~~

16 ~~(vi) The date the notice was first published.~~

17 "In the Circuit Court of . . . . . County, Arkansas

18 Probate Division

19 In the Matter of the Estate of . . . . ., Deceased. No . . . . .

20 Name of decedent . . . . .

21 Last known address . . . . .

22 Date of death . . . . .

23 On . . . . ., an affidavit for collection of small estate by  
24 distributee was filed with respect to the estate of . . . . .,  
25 deceased, with the clerk of the probate division of the circuit court of . .  
26 . . . . . County, Arkansas, under Ark. Code Ann. § 28-41-101.

27 The legal description of the real property listed in the affidavit is  
28 as follows:

29 . . . . .

30 All persons having claims against the estate must exhibit them,  
31 properly verified, to the distributee or his or her attorney within three (3)  
32 months from the date of the first publication of this notice or they shall be  
33 forever barred and precluded from any benefit of the estate.

34 The name, mailing address, and telephone number of the distributee or  
35 distributee's attorney is:

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This notice first published . . . . ., 20 . . . .

(C) Publication of the notice shall be as provided in §§  
28-1-112(b)(4) and 28-40-111(a)(4).

*/s/Broadaway*

**APPROVED: 03/01/2013**