

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1940

5 By: Representative Dalby
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAWS CONCERNING THE RECORDATION
9 OF DEEDS FOR PURPOSES OF THE REAL PROPERTY TRANSFER
10 TAX; TO CLARIFY THAT INSTRUMENTS THAT ARE EXEMPT FROM
11 THE REAL PROPERTY TRANSFER TAX ARE NOT REQUIRED TO
12 CONTAIN A RECEIPT OR AFFIDAVIT OF COMPLIANCE FORM IN
13 CERTAIN CIRCUMSTANCES; AND FOR OTHER PURPOSES.
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Subtitle

15
16 TO AMEND THE LAWS CONCERNING THE
17 RECORDATION OF DEEDS FOR PURPOSES OF THE
18 REAL PROPERTY TRANSFER TAX.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 26-60-110 is amended to read as follows:
25 26-60-110. Recordation of deed.

26 (a) Before an instrument evidencing a transfer of real property is
27 accepted by a county recorder for recordation, the grantee, buyer, or the
28 agent of the grantee or buyer shall furnish proof of payment of tax or proof
29 of an exemption from payment of the tax required in this chapter.

30 (b) The county recorder shall not record any instrument evidencing a
31 transfer of title subject to this chapter unless:

32 (1)(A) The instrument has:

33 (i) An attached or accompanying affidavit in the
34 form containing the information required in this chapter; and

35 (ii) Documentary stamps or a documentary symbol
36 attached to the face of the instrument evidencing full payment of the real



1 property transfer tax on the transaction.

2 (B) The instrument shall contain a notation on its face,
3 which shall be recorded as part of the instrument, that the affidavit was
4 completed; or

5 (2)(A) In the alternative, the instrument has marked on the
6 instrument or attached to the instrument in a manner that will cause it to be
7 recorded as a part of the instrument the following statement:

8 "I certify under penalty of false swearing that documentary stamps or a
9 documentary symbol in the legally correct amount has been placed on this
10 instrument".

11 (B) This statement shall be signed by the grantee or his
12 or her agent, and the grantee's address shall be clearly shown on the
13 instrument.

14 (C) An affidavit or compliance form from the Department of
15 Finance and Administration or a receipt showing proof of tax paid is not
16 required to be attached to an instrument that is exempt from the payment of
17 the real property transfer tax if the instrument contains the following
18 statement or a substantially similar statement, acknowledged in the same
19 manner required under subdivision (b)(2)(B) of this section:

20 "This instrument is exempt from the real property transfer tax."

21 (c) The county recorder shall not record any instrument on which a
22 documentary stamp or a documentary symbol is attached in a manner that the
23 amount printed on or within each documentary stamp or documentary symbol is
24 not visible.