1 **State of Arkansas**

2 **78th General Assembly**

3 **Regular Session, 1991**

4 **By: Senator Steve Bell**

A BillACT 1068 OF 1991

SENATE BILL   435

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7 ## For An Act To Be Entitled

8   "AN ACT TO AMEND TITLE 28, CHAPTER 65, SUBCHAPTER 3 OF THE

9   ARKANSAS CODE OF 1987 TO PERMIT THE SALE OF PROPERTY HELD

10   BY THE ESTATE UPON APPOINTMENT OF A SPECIAL GUARDIAN; AND

11   FOR OTHER PURPOSES."

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

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16   SECTION *1.* Arkansas Code §28-65-314(b) is hereby amended to read as

17 follows:

18   "(b) A guardian shall not purchase property of the ward, unless sold at

19 public sale and approved by the court, and then only if the guardian is a

20 spouse, parent, child, brother, or sister of the ward and is a cotenant with

21 the ward in the property. *This* requirement shall not be applicable where a

22 special guardian is appointed to represent the interest of the ward and such

23 special guardian reports to the court *after the property has been appraised*

24 that the proposed purchase at a private sale is in the best interest of the

25 ward. The report of the special guardian shall also be subject to the

26 approval of the court *after notice to all interested parties is given and a*

27 *hearing is held by the court.*"

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29   SECTION *2.* All provisions of this act of a general and permanent nature

30 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

31 Revision Commission shall incorporate the same in the Code.

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33   SECTION *3.* If any provision of this act or the application thereof to

34 any person or circumstance is held invalid, such invalidity shall not affect

35 other provisions or applications of the act which can be given effect without

36 the invalid provision or application, and to this end the provisions of this

1 act are declared to be severable.

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3   SECTION *4*. All laws and parts of laws in conflict with this act are

4 hereby repealed.

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6   */s/Steve Bell*

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8   APPROVED: 4-9-91

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