

As Engrossed: 1/18/95

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**

A Bill

ACT 1086 OF 1995
HOUSE BILL 1021

4 **By: Representative M. Wilson, K. Wood, J. Wilson, and Courtway**

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For An Act To Be Entitled

8 "AN ACT TO MAKE IT UNLAWFUL TO KNOWINGLY RECORD
9 INSTRUMENTS LACKING AUTHENTICITY AFFECTING THE TITLE TO
10 REAL PROPERTY WITH THE INTENT OF ADVERSELY AFFECTING THE
11 TITLE TO THE REAL PROPERTY; PROVIDING FOR TREBLE DAMAGES
12 IN CIVIL ACTIONS TO CLEAR THE TITLE TO REAL PROPERTY
13 ADVERSELY AFFECTED; AND FOR OTHER PURPOSES."

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Subtitle

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

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SECTION 1. (a) It shall be unlawful for any person or persons to have placed of record in the office of the recorder of any county any instrument clouding or adversely affecting the title or interest of the true owner, lessee or assignee in real property or clouding or adversely affecting any bona fide interest in real property with the knowledge of the instrument_s lack of authenticity or genuineness and with the intent of clouding, adversely affecting, impairing or discrediting the title or other interest in the real property which may prevent the true owner, lessee or assignee from disposing of the real property, transferring or granting any interest in the real property or with the intent of procuring money or value from the true owner, lessee or assignee to clear the instrument from the records of the office of the recorder.

(b) Any person violating the provisions of subsection (a) of this

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1 section shall be guilty of a Class A misdemeanor.

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3 SECTION 2. Any owner, lessee or assignee of real property located in the
4 State of Arkansas who suffers loss or damages as a result of conduct which is
5 prohibited under Section 1(a) and who must bring civil action to remove any
6 clouds from their title or interest in the real property, or to clear their
7 title or interest in the real property shall be entitled to treble actual
8 damages, punitive damages and costs, including all reasonable attorney fees
9 and other costs of litigation reasonably incurred.

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11 SECTION 3. *The provisions of this act shall not apply to bona fide*
12 *filings of lis pendens, materialmen's liens, laborer's liens, and other*
13 *legitimate notice and protective filings as provided by law.*

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15 SECTION 4. All provisions of this act of a general and permanent nature
16 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
17 Revision Commission shall incorporate the same in the Code.

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19 SECTION 5. If any provision of this act or the application thereof to
20 any person or circumstance is held invalid, such invalidity shall not affect
21 other provisions or applications of the act which can be given effect without
22 the invalid provision or application, and to this end the provisions of this
23 act are declared to be severable.

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25 SECTION 6. All laws and parts of laws in conflict with this act are
26 hereby repealed.

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/s/M. Wilson, et al

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APPROVED: 4-10-95

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