

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 535 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: S3/8/07

A Bill

HOUSE BILL 1384

5 By: Representative Lamoureux
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For An Act To Be Entitled

9 AN ACT TO PERMIT CONCURRENT JURISDICTION OF
10 EVICTION PROCEEDINGS IN DISTRICT COURT; AND FOR
11 OTHER PURPOSES.
12

Subtitle

14 TO PERMIT CONCURRENT JURISDICTION OF
15 EVICTION PROCEEDINGS IN DISTRICT COURT.
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18 *WHEREAS, the General Assembly finds it crucial to the supply of housing for*
19 *tenants of property that, while protecting all due process rights of tenants,*
20 *landlords have efficient means to deal with defaults by tenants under leases*
21 *and rental agreements; and*
22

23 *WHEREAS, the General Assembly wishes to supplement, without*
24 *substituting or replacing any existing law regarding the eviction of*
25 *defaulting tenants, an additional procedure by which eviction may be sought*
26 *by landlords when a tenant has defaulted under a lease or rental agreement;*
27 *and*
28

29 *WHEREAS, without limitation of the foregoing, it is the intention of*
30 *the General Assembly that the provisions of this act shall supplement and not*
31 *replace the landlord-tenant eviction procedures set forth in § 18-60-301 et*
32 *seq. and § 18-16-101,*
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34 *BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:*
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1 SECTION 1. Arkansas Code § 18-60-306 is amended to read as follows:
2 18-60-306. Jurisdiction.

3 (a) Forcible entries and detainers and unlawful detainers are
4 cognizable before the:

5 (1) ~~ircuit~~ Circuit court of any county in which the offenses
6 may be committed; and

7 (2) District court with jurisdiction concurrent with the
8 jurisdiction of the circuit court, if permitted by rule or order of the
9 Supreme Court.

10 (b) As used in this subchapter, "court" means:

11 (1) A circuit court; and

12 (2) If permitted by rule or order of the Supreme Court, a
13 district court.

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15 SECTION 2. Arkansas Code § 18-60-307(a) and (b), concerning eviction
16 procedures, are amended to read as follows:

17 (a) When any person to whom any cause of action shall accrue under
18 this subchapter shall file in the office of the clerk of the ~~ircuit~~ court ~~of~~
19 ~~the county in which the offense shall be committed~~ a complaint signed by him
20 or her, his or her agent or attorney, specifying the lands, tenements, or
21 other possessions so forcibly entered and detained, or so unlawfully detained
22 over, and by whom and when done, and shall also file the affidavit of himself
23 or herself or some other credible person for him or her, stating that the
24 plaintiff is lawfully entitled to the possession of the lands, tenements, or
25 other possessions mentioned in the complaint and that the defendant forcibly
26 entered upon and detained them or unlawfully detains them, after lawful
27 demand therefor made in the manner described in this subchapter, the clerk of
28 the court shall thereupon issue a summons upon the complaint. The summons
29 shall be in customary form directed to the sheriff of the county in which the
30 cause of action is filed, with direction for service thereof on the named
31 defendants. In addition, he or she shall issue and direct the sheriff to
32 serve upon the named defendants a notice in the following form:

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34 "NOTICE OF INTENTION TO ISSUE WRIT OF POSSESSION

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36 You are hereby notified that the attached complaint in the above styled

1 cause claims that you have been guilty of [forcible entry and detainer]
 2 [unlawful detainer] (the inapplicable phrase shall be deleted from the
 3 notice) and seeks to have a writ of possession directing the sheriff to
 4 deliver possession of the lands, tenements, or other possessions described in
 5 the complaint delivered to the plaintiff. If, within five (5) days, excluding
 6 Sundays and legal holidays, from the date of service of this notice, you have
 7 not filed in the office of the ~~circuit~~ clerk of this ~~county~~ court a written
 8 objection to the claims made against you by the plaintiff for possession of
 9 the property described in the complaint, then a writ of possession shall
 10 forthwith issue from this office directed to the sheriff of this county and
 11 ordering him to remove you from possession of the property described in the
 12 complaint and to place the plaintiff in possession thereof. If you should
 13 file a written objection to the complaint of the plaintiff and the
 14 allegations for immediate possession of the property described in the
 15 complaint within five (5) days, excluding Sundays and legal holidays, from
 16 the date of service of this notice, a hearing will be scheduled by the
 17 ~~circuit~~ court ~~of this county~~ to determine whether or not the writ of
 18 possession should issue as sought by the plaintiff.

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23 ~~Circuit~~ Clerk of

24
 25County Circuit/District Court"

26 (b) If, within five (5) days, excluding Sundays and legal holidays,
 27 following service of this summons, complaint, and notice seeking a writ of
 28 possession against the defendants named therein, the defendant or defendants
 29 have not filed a written objection to the claim for possession made by the
 30 plaintiff in his or her complaint, the clerk of the ~~circuit~~ court shall
 31 immediately issue a writ of possession directed to the sheriff commanding him
 32 or her to cause the possession of the property described in the complaint to
 33 be delivered to the plaintiff without delay, which the sheriff shall
 34 thereupon execute in the manner described in § 18-60-310.

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 36 SECTION 3. Arkansas Code § 18-60-310(a), concerning the execution of a

1 writ of possession, is amended to read as follows:

2 (a) Upon receipt of a writ of possession from the clerk of the ~~circuit~~
3 court, the sheriff shall immediately proceed to execute the writ in the
4 specific manner described in this section and, if necessary, ultimately by
5 ejecting from the property described in the writ the defendant or defendants
6 and any other person or persons who shall have received or entered into the
7 possession of the property after the issuance of the writ, and thereupon
8 notify the plaintiff that the property has been vacated by the defendant or
9 defendants.

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/s/ Lamoureux

APPROVED: 3/28/2007