

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1672

5 By: Representative Broadway
6

For An Act To Be Entitled

8 AN ACT CONCERNING WHO IS ELIGIBLE TO BE AN EXECUTOR
9 OF A WILL OR AN ADMINISTRATOR OF AN ESTATE; AND FOR
10 OTHER PURPOSES.
11

Subtitle

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13 CONCERNING WHO IS ELIGIBLE TO BE AN
14 EXECUTOR OF A WILL OR AN ADMINISTRATOR OF
15 AN ESTATE.
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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 § 28-48-101 is amended to read as follows:

22 28-48-101. Persons entitled to domiciliary letters.

23 (a) Domiciliary letters testamentary or of general administration may
24 be granted to one (1) or more of the natural or corporate persons mentioned
25 in this section who are not disqualified, in the following order of priority:

26 (1) To the executor or executors nominated in the will;

27 (2) To the surviving spouse, or his or her nominee, upon
28 petition filed during a period of thirty (30) days after the death of the
29 decedent;

30 (3) To one (1) or more of the persons entitled to a distributive
31 share of the estate, or his or her nominee, as the court in its discretion
32 may determine, if application for letters is made within forty (40) days
33 after the death of the decedent, in case there is a surviving spouse and, if
34 no surviving spouse, within thirty (30) days after the death of the decedent;
35 and

36 (4) To any other qualified person.



1 (b) ~~No~~ A person is not qualified to serve as domiciliary personal
 2 representative ~~who~~ if the person is:

3 (1) Under ~~twenty-one (21)~~ eighteen (18) years of age;

4 (2) Of unsound mind;

5 (3) A convicted and unpardoned felon, either under the laws of
 6 the United States or of any state or territory of the United States;

7 (4) A corporation not authorized to act as fiduciary in this
 8 state;

9 (5) A person whom the court finds unsuitable; or

10 (6)(A) A natural person who is a nonresident of this state,
 11 unless he or she shall have appointed the clerk of the court in which the
 12 proceedings are pending, and the clerk's successors in office, or some person
 13 residing in the county of probate and approved by the court, as agent to
 14 accept service of process and notice in all actions and proceedings with
 15 respect to the estate.

16 (B) If a person other than the clerk who has been
 17 appointed process agent dies, becomes incompetent, or removes from the
 18 county, the clerk and his or her successors in office shall become the
 19 process agent.

20 (C) The appointment or agency may be revoked only upon the
 21 appointment of a qualified substitute agent.

22 (D) Upon the service of any process or notice on the
 23 agent, he or she shall immediately transmit the process or notice to the
 24 personal representative by registered or certified mail, requesting a return
 25 receipt.

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 27 SECTION 2. EFFECTIVE DATE. This act takes effect January 1, 2016.

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 30 **APPROVED: 03/31/2015**