

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Representative Kidd**

A Bill

ACT 734 OF 1995
HOUSE BILL 1796

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE § 28-1-112 TO ALLOW SERVICE
OF PROCESS IN ANY MANNER ALLOWED IN THE RULES OF CIVIL
PROCEDURE; AND FOR OTHER PURPOSES."

Subtitle

"AN ACT TO ALLOW SERVICE OF PROCESS
UNDER THE PROBATE CODE IN ANY MANNER
ALLOWED IN THE RULES OF CIVIL
PROCEDURE."

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

SECTION 1. Arkansas Code § 28-1-112(b) is amended to read as follows:

"(b) Kinds of Notice Required. Unless waived and except as otherwise
provided by law, and subject to rule of the court or order of the court in a
particular case specifying which of the following types of service shall be
employed, notices required by this code may be served either:

(1) By delivering a copy personally to a person, if a natural
person, and, if a corporation or a partnership, by delivering a copy to an
individual upon whom civil process may be legally served in behalf of the
corporation or partnership at least ten (10) days prior to the date set for
the hearing; or

(2) By leaving a copy at the usual place of abode of the person
being served with some person over the age of fifteen (15) years who is a
member of his family, the notice to be served by an officer authorized to
serve process in civil actions at least ten (10) days prior to the date set
for the hearing; or

(3) By registered mail, requesting a return receipt signed by
addressee only, addressed to the person to be served located in the United

1 States at his address stated in the petition for the hearing, to be posted by
2 depositing in any United States Post Office in this state at least fifteen
3 (15) days prior to the date set for the hearing; or

4 (4) By publishing once a week for two (2) consecutive weeks in
5 some newspaper published and having a general circulation in the county, with
6 the first day of publication to be at least fifteen (15) days prior to the
7 date set for the hearing. In addition, when service by publication only is
8 employed, all persons whose names and addresses appear in the petition shall
9 be served by ordinary mail, bearing on the envelope the return address of the
10 clerk, in the same time and manner as provided in subdivision (b)(3) with
11 respect to notice by registered mail, except that no registration shall be
12 required;

13 (5) By any combination of two (2) or more of the above; or

14 (6) By any method of service allowed by the Arkansas Rules of
15 Civil Procedure."

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17 SECTION 2. All provisions of this act of a general and permanent nature
18 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
19 Revision Commission shall incorporate the same in the Code.

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21 SECTION 3. If any provision of this act or the application thereof to
22 any person or circumstance is held invalid, such invalidity shall not affect
23 other provisions or applications of the act which can be given effect without
24 the invalid provision or application, and to this end the provisions of this
25 act are declared to be severable.

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27 SECTION 4. All laws and parts of laws in conflict with this act are
28 hereby repealed.

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APPROVED: 3-22-95

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