

1 State of Arkansas *As Engrossed: H2/17/17 H2/23/17 H3/15/17*

2 91st General Assembly

A Bill

3 Regular Session, 2017

HOUSE BILL 1382

4

5 By: Representative Gazaway

6

7

For An Act To Be Entitled

8

AN ACT TO AMEND THE LAW CONCERNING THE COLLECTION OF

9

A SMALL ESTATE BY A DISTRIBUTEE; TO ESTABLISH

10

PROCEDURES TO BE FOLLOWED AFTER A CLAIM IS FILED

11

AGAINST A SMALL ESTATE; AND FOR OTHER PURPOSES.

12

13

14

Subtitle

15

TO AMEND THE LAW CONCERNING THE

16

COLLECTION OF A SMALL ESTATE BY A

17

DISTRIBUTEE; AND TO ESTABLISH PROCEDURES

18

TO BE FOLLOWED AFTER A CLAIM IS FILED

19

AGAINST A SMALL ESTATE.

20

21

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

23

24 *SECTION 1. Arkansas Code § 28-41-102(d), concerning the requirements*
25 *of a distributee after an affidavit is filed and notice published, is amended*
26 *to read as follows:*

27 *(d) ~~After filing the affidavit and publishing the notice required by~~*
28 *If the distributee who is entitled to the transfer or delivery of real*
29 *property complies with the affidavit and notice requirements under § 28-41-*
30 *101, the three-month period required under § 28-41-101 lapses, and a claim is*
31 *not presented to the distributee within the three-month period or all claims*
32 *against the estate that were presented to the distributee within the three-*
33 *month period are satisfied, then the distributee ~~entitled to the transfer or~~*
34 *delivery of real property shall:*

35

(1) Be authorized to issue to himself or herself a deed of

36

distribution for the real property of the decedent as if made by a personal



1 *representative of the decedent; and*

2 *(2) Deliver notice of the transfer of ownership to the county*
3 *assessor of each county where the real property is located.*

4
5 *SECTION 2. Arkansas Code § 28-41-102, concerning payment, transfers,*
6 *or deliveries pursuant to an affidavit for the collection of a small estate,*
7 *is amended to add an additional subsection to read as follows:*

8 *(e)(1) If a claim against an estate is presented to the distributee of*
9 *the estate within three (3) months from the date of the first publication of*
10 *the notice required under § 28-41-101, then the distributee shall file a*
11 *petition for the administration of the estate in accordance with § 28-40-101*
12 *et seq.*

13 *(2)(A) A distributee is not required to comply with subdivision*
14 *(e)(1) of this section if the claim against the estate is satisfied without*
15 *using property owned by the decedent at the time of death.*

16 *(B) If a claim against the estate is satisfied in the*
17 *manner described under subdivision (e)(2)(A) of this section, the claimant*
18 *shall present to the distributee an acknowledgement of the satisfied claim.*

19 *(3)(A) If a petition for the administration of an estate is*
20 *filed as required under subdivision (e)(1) of this section, then a new notice*
21 *shall be published in accordance with § 28-40-111.*

22 *(B) The publication of notice filed by a distributee in*
23 *accordance with § 28-41-101 is insufficient notice with regard to a petition*
24 *for the administration of an estate filed as required under this subsection.*

25 *(4)(A) The distributee shall pay a new filing fee when a*
26 *petition for the administration of an estate is filed as required under this*
27 *subsection.*

28 *(B) A distributee is not entitled to a credit or refund of*
29 *the fee paid to file the affidavit of small estate required under § 28-41-*
30 *101.*

31
32
33
34 */s/Gazaway*

35
36 **APPROVED: 04/06/2017**