

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 2032

5 By: Representative Shepherd
6

For An Act To Be Entitled

8 AN ACT TO CLARIFY THE LAW CONCERNING PREMARITAL
9 AGREEMENTS; AND FOR OTHER PURPOSES.
10

Subtitle

11 TO CLARIFY THE LAW CONCERNING PREMARITAL
12 AGREEMENTS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. TEMPORARY LANGUAGE. DO NOT CODIFY. Legislative findings.
20 The General Assembly finds that:

21 (1) Arkansas Code § 9-11-402 requires a premarital agreement to
22 be in writing, signed, and acknowledged by both parties to the agreement;

23 (2) In Lyle Farms P'ship et al. v. Lyle, 2016 Ark. App. 577
24 (2001), the Arkansas Court of Appeals defined "acknowledged" in terms of the
25 requirements necessary to satisfy an acknowledgement;

26 (3) An "acknowledgement" is a formal declaration before a notary
27 that an instrument is the act and deed of the declarant; and

28 (4) As parties are able to acknowledge their intent to be bound
29 in numerous ways, the term "acknowledge" should be defined in order to
30 clarify the requirements of Arkansas Code § 9-11-402.
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32 SECTION 2. Arkansas Code § 9-11-402 is amended to read as follows:
33 9-11-402. Formalities.

34 (a) A premarital agreement must be in writing and signed and
35 acknowledged by both parties. It is enforceable without consideration.

36 (b) As used in this section, "acknowledged" means:



1 (1) A formal declaration or admission before an authorized
2 public officer by the parties who execute the premarital agreement providing
3 that the premarital agreement is the act and deed of the parties;

4 (2) A sworn affirmation by the respective attorneys of each
5 party that the party represented by the attorney understands and consents to
6 the legal effect of the premarital agreement;

7 (3) An agreement signed by the parties that is witnessed by a
8 notary and includes a statement that the parties:

9 (A) Have consulted with their respective attorneys
10 regarding the premarital agreement;

11 (B) Have read and understand the premarital agreement; and

12 (C) Freely entered into the premarital agreement without
13 coercion or undue influence; or

14 (4) An execution of the premarital agreement by both parties
15 that is witnessed by two (2) individuals who are disinterested parties to the
16 premarital agreement.

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19 **APPROVED: 03/27/2017**
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