

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.

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

As Engrossed: H3/17/09 H3/19/09 S4/3/09

# A Bill

HOUSE BILL 2071

5 By: Representative Hyde  
6 By: Senators Miller, Salmon  
7

## For An Act To Be Entitled

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9  
10 *AN ACT TO CLARIFY THAT A CONTRACT FOR THE SALE OF*  
11 *REAL PROPERTY DOES NOT CONVEY TO THE BUYER AN*  
12 *INTEREST IN THE MINERAL DEVELOPMENT OF THE REAL*  
13 *PROPERTY UNTIL THE REAL PROPERTY IS CONVEYED BY*  
14 *DEED OR UNLESS AGREED OTHERWISE IN WRITING; AND*  
15 *FOR OTHER PURPOSES.*

## Subtitle

16  
17 *TO CLARIFY THAT A CONTRACT FOR THE SALE*  
18 *OF REAL PROPERTY DOES NOT CONVEY AN*  
19 *INTEREST IN THE MINERAL DEVELOPMENT OF*  
20 *THE REAL PROPERTY UNTIL THE REAL*  
21 *PROPERTY IS CONVEYED BY DEED OR UNLESS*  
22 *AGREED OTHERWISE IN WRITING.*

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

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27 *SECTION 1. Arkansas Code Title 18, Chapter 12, Subchapter 1 is*  
28 *amended to add an additional section to read as follows:*

29 *18-12-107. Effect of a contract for the sale of real estate.*

30 *(a) A contract for the sale of real property, including without*  
31 *limitation mineral rights, does not convey to the buyer an interest in the*  
32 *mineral rights or mineral development of the real property:*

33 *(1) Until the real property is conveyed by deed to the buyer*  
34 *upon final payment; or*

35 *(2) Unless the seller and the buyer agree otherwise in writing*  
36 *and their agreement is recorded in the county where the real property is*



1 located or the county where the real property is primarily located.

2 (b)(1)(A) For a sale of real property under a contract, including  
3 without limitation a sale of mineral rights, the seller's interest in the  
4 mineral rights or mineral development of the real property, including without  
5 limitation any right the seller may have to execute and deliver a valid oil,  
6 gas, or mineral lease on the real property, shall not be affected until such  
7 interest is conveyed to the buyer in accordance with subsection (a) of this  
8 section.

9 (B) However, during the period that the contract for the  
10 sale of real property is binding on its parties and except for a conveyance  
11 by an oil, gas, or mineral lease executed by the seller, the seller shall not  
12 convey an interest in the mineral rights or mineral development of the real  
13 property unless the buyer and the seller agree otherwise in writing.

14 (2) An oil, gas, or mineral lease executed by the seller shall  
15 continue to be in effect pursuant to its terms after the conveyance to the  
16 buyer.

17 (c) This act does not apply to a contract for the sale of real  
18 property that was entered into before August 1, 2009.

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22 /s/ Hyde  
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