

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 88th General Assembly  
3 Regular Session, 2011  
4

As Engrossed: H1/25/11  
**A Bill**

HOUSE BILL 1006

5 By: Representative Cheatham  
6

7 **For An Act To Be Entitled**

8 AN ACT TO AMEND ARKANSAS LAW CONCERNING SALES OF REAL  
9 PROPERTY UNDER JUDICIAL DECREES; DECLARING AN  
10 EMERGENCY; AND FOR OTHER PURPOSES.  
11

12 **Subtitle**

13 TO AMEND ARKANSAS LAW CONCERNING SALES OF  
14 REAL PROPERTY UNDER JUDICIAL DECREES AND  
15 DECLARING AN EMERGENCY.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Arkansas Code § 21-6-412 is amended to read as follows:

21 21-6-412. Commissioners to sell property.

22 (a)(1) Commissioners appointed to make sales of real property under  
23 judicial decrees shall be allowed the following fees as compensation for such  
24 services:  
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26 On sales for \$ 1.00 to \$ 500 \$10.00

27 On sales for 500 to 2,500 15.00

28 On sales for 2,500 to 5,000 20.00

29 On sales for 5,000 to 10,000 25.00

30 On sales for 10,000 to 20,000 30.00

31 On sales for 20,000 to 35,000 35.00

32 On sales for 35,000 or more, one-tenth of one percent (0.1%).

33 (2) Commissioners appointed to make sales of personal property  
34 under judicial decrees shall be allowed as compensation for such services the  
35 fee prescribed by the judge of the court that issued the decree.

36 (b) In lieu of the fees provided for in this section, the court may



1 set reasonable fees for commissioners based upon services rendered on sales  
2 under thirty-five thousand dollars (\$35,000).

3 (c)(1) If a circuit clerk is appointed as commissioner for a sale of  
4 real or personal property under judicial decree, the fee awarded to the  
5 circuit clerk under this section shall be paid to the general fund of the  
6 county that the circuit clerk was elected to represent.

7 (2) If an employee of a circuit clerk is appointed as  
8 commissioner for a sale of real or personal property under judicial decree,  
9 the fee awarded to the employee under this section shall be paid to the  
10 general fund of the county that the circuit clerk was elected to represent.

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12 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
13 General Assembly of the State of Arkansas that Arkansas Code § 21-6-412 has  
14 resulted in inequitable compensation for certain elected officials and that  
15 this act should become effective as soon as possible to stop these  
16 inequitable payments. Therefore, an emergency is declared to exist and this  
17 act being immediately necessary for the preservation of the public peace,  
18 health, and safety shall become effective on:

19 (1) The date of its approval by the Governor;

20 (2) If the bill is neither approved nor vetoed by the Governor,  
21 the expiration of the period of time during which the Governor may veto the  
22 bill; or

23 (3) If the bill is vetoed by the Governor and the veto is  
24 overridden, the date the last house overrides the veto.

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26 /s/Cheatham  
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