

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

A Bill

HOUSE BILL 1382

4
5 By: Representative Gazaway

For An Act To Be Entitled

8 AN ACT TO ESTABLISH PROCEDURES TO BE FOLLOWED AFTER A
9 CLAIM IS FILED AGAINST A SMALL ESTATE; AND FOR OTHER
10 PURPOSES.

Subtitle

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14 TO ESTABLISH PROCEDURES TO BE FOLLOWED
15 AFTER A CLAIM IS FILED AGAINST A SMALL
16 ESTATE.

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

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21 SECTION 1. Arkansas Code § 28-41-102, concerning payment, transfers,
22 or deliveries pursuant to an affidavit for the collection of a small estate,
23 is amended to add an additional subsection to read as follows:

24 (e)(1) If a claim against an estate is presented to the distributee of
25 the estate within three (3) months from the date of the first publication of
26 the notice required under § 28-41-101, then the distributee shall file a
27 petition for the administration of the estate in accordance with § 28-40-101
28 et seq. within thirty (30) days of receiving notice of the claim.

29 (2)(A) A distributee is not required to comply with subdivision
30 (e)(1) of this section if the claim against the estate is satisfied with
31 funds from outside of the estate within thirty (30) days of the date on which
32 the distributee received notice of the claim.

33 (B) If a claim against the estate is satisfied in the
34 manner described under subdivision (e)(2)(A) of this section, the claimant
35 shall file an acknowledgement of the satisfied claim.

36 (3)(A) If a petition for the administration of an estate is



1 filed as required under subdivision (e)(1) of this section, then a new notice
2 shall be published in accordance with § 28-40-111.

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

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

9 (B) A distributee is not entitled to a credit or refund of
10 the fee paid to file the affidavit of small estate required under § 28-41-
11 101.

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