

Stricken language would be deleted from and underlined language would be added to present law.

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

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5 By: Representative Gazaway

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For An Act To Be Entitled

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AN ACT TO AMEND THE LAW CONCERNING THE COLLECTION OF

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A SMALL ESTATE BY A DISTRIBUTEE; TO ESTABLISH

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PROCEDURES TO BE FOLLOWED AFTER A CLAIM IS FILED

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AGAINST A SMALL ESTATE; AND FOR OTHER PURPOSES.

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Subtitle

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TO AMEND THE LAW CONCERNING THE

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COLLECTION OF A SMALL ESTATE BY A

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DISTRIBUTEE; AND TO ESTABLISH PROCEDURES

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TO BE FOLLOWED AFTER A CLAIM IS FILED

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AGAINST A SMALL ESTATE.

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

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

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(d) ~~After filing the affidavit and publishing the notice required by~~

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If the distributee who is entitled to the transfer or delivery of real

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property complies with the affidavit and notice requirements under § 28-41-

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101, the three-month period required under § 28-41-101 lapses, and a claim is

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not presented to the distributee within the three-month period or all claims

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against the estate that were presented to the distributee within the three-

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month period are satisfied, then the distributee ~~entitled to the transfer or~~

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delivery of real property shall:

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

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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.*

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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.*

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34 */s/Gazaway*