

ARKANSAS SENATE
83rd General Assembly - Regular Session, 2001
Amendment Form

Subtitle of Senate Bill No. 911

"AN ACT AMENDING THE TARGETED NEIGHBORHOOD ENHANCEMENT PLAN ACT
TO PROVIDE FOR A STATUTORY LEIN AGAINST THE PROPERTY UPON DEFAULT OF
CONTRACT FOR REPAYMENT TO THE MUNICIPALITY OF THE AMOUNT OF FUNDS
PROVIDED."

Amendment No. 1 to Senate Bill No. 911.

Amend Senate Bill No. 911 as originally introduced:

Page 1, line 29, delete "structure the" and substitute "structure for the"

AND

Page 1, line 30, delete "may" and substitute "~~may~~"

AND

Page 1, line 31, delete "~~property file~~" and substitute "~~property~~ shall file"

AND

Page 1, delete lines 33 through 36 and substitute the following:

"(b) The municipality shall collect the amount of the contract plus costs of collection by either of the following methods:

(1) By filing an action in circuit court to foreclose the lien plus costs at any time within one (1) year after the date that the municipality has notice that the resident owner moved out of the structure in breach of contract with the municipality. In such case, the date of filing of the lien shall determine its priority; or

(2) If the legislative body of the municipality determines that it is in the best interests of the municipality, the amount of the lien provided for above may be determined at a hearing before the governing body of the municipality.

(A) The hearing shall be held after thirty (30) days written notice by certified mail to the owner of the property if the name and whereabouts of the owner are known.

(B) If the name and whereabouts of the owner cannot be determined, then the amount shall be determined after publication of notice

of the hearing in a newspaper having a bona fide circulation in the county where the property is located. The publication shall be accomplished by one (1) insertion per week for four (4) consecutive weeks. The determination of the amount of the lien by the governing body is subject to appeal by the property owner to circuit court.

(C) If the municipality has filed the contract in the real estate records of the county in which the property is located, then the date of the filing of the contract determines the priority of the lien.

(D) The amount so determined at the hearing, plus ten percent (10%) penalty for collection, shall be certified by the governing body of the municipality to the tax collector of the county where the municipality is located, and placed by the collector on the tax books as delinquent taxes and collected accordingly. The amount, less three percent (3%) thereof, when so collected shall be paid to the municipality by the county tax collector."

The Amendment was read the first time, rules suspended and read the second time and _____

**By: Senator B. Walker
LH/RRS - 032020011228
RRS732**

Secretary