

ARKANSAS SENATE
86th General Assembly - Regular Session, 2007
Amendment Form

Subtitle of Senate Bill No. 372

"AN ACT TO GRANT CITIES AND TOWNS ADDITIONAL TOOLS TO DEAL WITH
CRIMINAL, NUISANCE, AND VACANT PROPERTIES."

Amendment No. 3 to Senate Bill No. 372.

Amend Senate Bill No. 372 as engrossed, S3/7/07 (version: 03-07-2007 09:32):

Page 1, delete lines 30 and 31 and substitute the following:

“(B) A clean up lien may have priority against other
lienholders as provided in this section;”

AND

Page 2, line 5, delete “that” and substitute “located on previously platted
and subdivided property that is not fit for human habitation and”

AND

Page 2, delete lines 8 and 9 and substitute the following:

“(5) “Weed lot” means a previously platted and subdivided lot
that is vacant or upon which an unsafe and vacant structure is located and
that contains debris, rubbish, or grass which is higher”

AND

Page 2, lines 23 and 24, delete “first priority clean up”

AND

Page 2, line 27, delete “priority”

AND

Page 2, line 29, delete “and” and substitute “or”

AND

Page 3, delete lines 11 and 12 and substitute the following:

“(7)(A) If the city or town wishes to secure a clean up lien, it



shall provide seven (7) business days' notice to lienholders before"

AND

Page 3, delete line 17 and substitute the following:

"holders of unrecorded liens or to unrecorded assignees of lienholders.

(D) Any lienholder receiving notice under this section shall, within seven (7) business days from receipt of the notice, send a written response to the city or town indicating whether the owner of the property is in default under the terms of the note or mortgage."

AND

Page 3, line 24, after "owner" and before "of", add "and lienholders of record"

And

Page 3, delete lines 26 through 28

AND

Page 3, line 29, delete "(3)" and substitute "(2)"

AND

Page 3, line 31, delete "(4)" and substitute "(3)"

AND

Page 3, delete line 33 and substitute the following:

"create and impose the clean up or court lien."

AND

Page 3, line 34, delete "(1)"

AND

Page 4, delete lines 2 through 6 and substitute the following:

"the owner are known and to the lienholders of record."

AND

Page 4, line 8, after "the" and before "lien" add "clean up or court"

AND

Page 4, delete line 13 and substitute the following:

"amount of any clean up or court lien and creating and imposing any clean up or court lien under this section is subject to"

AND

Page 4, line 14, delete "the lienholder" and substitute "any lienholder"

AND

Page 4, line 17, delete "and priority"

AND

Page 4, delete lines 19 through 22 and substitute the following:

"(i) The city or town shall file its lien with the circuit clerk no later than sixty (60) days after the governing body of the city or town confirms the lien amount, or if the lien is appealed, within sixty (60) days after the city or town wins on appeal.

(j)(1) If the city or town wishes to secure a first priority status for any clean up lien created and imposed in accordance with this section, it shall file an action with the circuit court within which the property is located seeking a declaration that the clean up lien is entitled to priority over previously recorded liens and naming the holders of the recorded liens as defendants.

(2) Priority status shall be awarded to the clean up lien with respect to any previously recorded lien if the court determines that such lienholder has failed to exercise its rights to foreclose its lien when the obligation it secures becomes in default or has failed to pay the costs of work undertaken by a city or town that comprise the clean up lien. However, the amount as to which the clean up lien shall have priority shall be such an amount as the court deems to be reasonable and, in any event, shall be limited to:

(A) No more than one thousand dollars (\$1,000) for grass or weed cutting;

(B) No more than five thousand dollars (\$5,000) to board and secure the property;

(C) No more than seven thousand five hundred dollars (\$7,500) to demolish any structures on the property; or

(D) No more than fifteen thousand dollars (\$15,000) for environmental remediation."

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

By: Senator Brown
JDF/SIK - 03-20-2007 10:35
JDF272

Secretary