

**Hall of the House of Representatives**  
87th General Assembly - Regular Session, 2009  
**Amendment Form**

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**Subtitle of House Bill No. 2167**

"AN ACT TO AID THE ENFORCEMENT OF THE ARKANSAS TITLE INSURANCE ACT,  
23-103- 401 ET SEQ.; TO PLACE TITLE INSURANCE INFORMATION UPON AN  
INSTRUMENT SUBMITTED FOR RECORDING."

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**Amendment No. 1 to House Bill No. 2167.**

Amend House Bill No. 2167 as originally introduced:

Delete the subtitle in its entirety and substitute:

"AN ACT TO AID THE ENFORCEMENT OF THE  
ARKANSAS TITLE INSURANCE ACT, § 23-103-  
401 ET SEQ. AND TO PLACE TITLE INSURANCE  
INFORMATION UPON AN INSTRUMENT SUBMITTED  
FOR RECORDING."

AND

Delete SECTION 1 in its entirety and substitute the following:

"SECTION 1. Arkansas Code § 14-15-403 is amended to read as follows:  
14-15-403. Instruments affecting title to property.

(a) ~~No~~ An instrument by which the title to real estate or personal property, or any interest therein, or lien thereon, is conveyed, created, encumbered, assigned, or otherwise affected or disposed of shall not be received for record or filing by the recorder unless:

(1) The name and address of the person who, and the governmental agency, if any, ~~which,~~ that prepared the instrument appears on the face of the first page ~~thereof of the instrument;~~ and

(2) The name is either printed, typewritten, stamped, or signed in a legible manner; and

(3) The license number of the title insurance agency issuing a title insurance policy insuring the property interest conveyed or a statement signed under oath subject to penalty of perjury that "no title insurance policy was issued for the property interest conveyed by this instrument appears on the first page of the instrument".

(b) An instrument will be in compliance with this section if it contains a statement in the following form:

"This instrument was prepared by . . . . ., . . . . .  
. . . . ."



(name) (address)  
"Title Insurance Agency License No: ....."

or

"No title insurance policy was issued for the property interest conveyed by this instrument."

(c) The receipt for record or filing of any instrument by the recorder without complying with ~~the provisions of~~ this section ~~shall~~ does not prevent the instrument from becoming notice as provided by law.

(d)(1) Any fee charged by the recorder for recording or filing ~~of~~ any instrument ~~which~~ that does not conform with ~~the provisions of~~ this section shall be returned by the recorder to the person who paid the fee upon request, if made within six (6) months after recording or filing of the instrument.

(2) If no such request is made within that time, the fee shall be paid into the county general fund by the recorder.

(e) This section does not apply to any instrument executed ~~prior to~~ before August 1, 1959, nor to any decree, order, judgment, writ of any court, will, or death certificate."

The Amendment was read \_\_\_\_\_  
By: Representative R. Green  
DLP/LHA - 03-16-2009 15:44  
DLP322 \_\_\_\_\_ Chief Clerk