

Hall of the House of Representatives
88th General Assembly - Regular Session, 2011
Amendment Form

Subtitle of Senate Bill No. 597

TO CLARIFY THE PROCEDURE FOR QUIETING TITLE TO LANDS FORFEITED TO THE STATE
OF ARKANSAS FOR NONPAYMENT OF TAXES.

Amendment No. 1 to Senate Bill No. 597

Amend Senate Bill No. 597 as engrossed, S3/22/11 (version: 03/22/2011 08:48:04 AM)

Page 5, delete line 14, and substitute the following:

~~"ineffectual."~~

SECTION 6. Arkansas Code § 26-38-208 is amended to read as follows:
26-38-208. Severed mineral rights.

(a)(1) The Subject to the additional requirements of this section,
~~provisions of this subchapter shall be applicable~~ applies to severed mineral
interests that are forfeited and conveyed to the state for the nonpayment of
taxes.

(2) ~~Wherever~~ For purposes of this subchapter, wherever the terms
"real property", "parcel(s)", or "parcel of real property" appear, the ~~same~~
terms also shall also mean severed mineral interests.

(b)(1) Upon filing a suit to confirm title in severed mineral
interests, the plaintiff shall:

(A) Undertake a search of the records listed in § 18-60-
502 to identify persons entitled to notice; and

(B) Provide notice to all persons that have or claim to
have an interest in the severed mineral interests.

(2) The interested persons shall be:

(A) Summoned as defendants in the case; and

(B) Served in the manner required for other civil actions.

(3) At a minimum, the following persons shall be made defendants
in a suit to confirm title to severed mineral interests:

(A) All lessors and lessees identified in a recorded and
unreleased oil, gas, or mineral lease pertaining to the severed mineral
interests;

(B) All persons identified in the county real estate or
county tax records as an owner of the severed mineral interests immediately
before forfeiture of the severed mineral interests for nonpayment of taxes;
and

(C) All heirs, successors, and assigns of the persons
described in subdivisions (b)(3)(A) or (B), if the persons are deceased or
have assigned or otherwise transferred their interest in the severed mineral
interests.



(c)(1) In any suit to confirm title in severed mineral interests, proof that the forfeiture or conveyance sought to be confirmed is void and not merely voidable is a conclusive defense to the suit.

(2) Proof that the forfeiture or conveyance sought to be confirmed is merely voidable but not void shall be considered by the court and determined on the facts as justice and equity requires."

The Amendment was read _____
By: Representative Carter
DLP/AMH - 03/28/11 01:12
DLP236

Chief Clerk