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

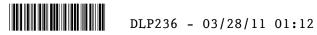
OF ARKANSAS FOR NONPA YMENT OF TAXES.

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