

Hall of the House of Representatives
89th General Assembly - Regular Session, 2013
Amendment Form

Subtitle of Senate Bill No. 1137

TO REGULATE DOCUMENTS CONCERNING REAL PROPERTY; TO ALLOW SCRIVENER'S AFFIDAVITS
TO CORRECT ERRORS IN INSTRUMENTS AFFECTING REAL PROPERTY.

Amendment No. 1 to Senate Bill No. 1137

Amend Senate Bill No. 1137 as originally introduced:

Add Representative Broadaway as a cosponsor of the bill

AND

Page 1, delete lines 34 through 36, and substitute the following:

- "(b) A scrivener's affidavit may be executed and recorded by a:
- (1) Licensed attorney who prepared the original instrument;
 - (2) Licensed attorney who represents a party to the original instrument;
 - (3) Party to the original instrument if the party prepared the original instrument; or
 - (4) Current employee of a title company that completed the form of the original instrument.
- (c) A scrivener's affidavit shall:
- (1) Be sworn to and acknowledged before a person authorized to administer an oath under the laws of this state;
 - (2) Conspicuously identify in its title that it is a "Scrivener's Affidavit"; and
 - (3) Contain the following information concerning the original instrument:
 - (A) The name of the person or entity that completed or prepared the original instrument;
 - (B) The names of all parties to the original instrument;
 - (C) The recording information, including the recording date of the original instrument; and
 - (D) A brief description of each error that the scrivener's affidavit is designed to correct.
- (d) A scrivener's affidavit may be prepared in substantially the following form:



SCRIVENER'S ERROR AFFIDAVIT

KNOW ALL PERSONS BY THESE PRESENTS that:

[Name] prepared or completed the form of a [Type of instrument] with regard to a conveyance from [Name(s)] as [grantor, mortgagor, etc.] to [Name(s)] as [grantee, mortgagee, etc.]. The [Type of instrument] which was recorded in the records of [County, Arkansas, on [Date], as Instrument Number [in Book at Page] contained a scrivener's error with regard to the [reason for correction(s)].

The aforementioned [Type of instrument] should reflect that the [Type of instrument] read as follows: [Insert correction(s)].

Further affiant sayeth naught.

WITNESS my hand and seal on this [] day of [], 20 [].

[Signature]
Name printed:

ACKNOWLEDGMENT

STATE OF [] }
[] }ss.
COUNTY OF [] }

On this [] day of [], 20 [], before me, a Notary Public in and for the said county and state, personally appeared [], to me well known, and acknowledged that [he/she] had executed the foregoing document for the consideration, uses, and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires: [] "

AND

Page 2, delete lines 1 through 5

AND

Page 2, delete lines 6 and 7, and substitute the following:

"(e) A scrivener's affidavit that complies with this section in

substantially the form provided by subsection (d) of this section or in a custom form shall be:"

AND

Page 2, delete lines 12 and 13, and substitute the following:

"the scrivener's affidavit; and

(3) Admissible as evidence to the same extent as a deed or other instrument recorded pursuant to § 18-12-201 et seq. in an action involving the instrument"

AND

Page 2, delete lines 15 through 17, and substitute "instrument."

AND

Page 2, delete line 18, and substitute the following:

"(f)(1) Except as provided in subdivisions (f)(2) and (3) of this section,"

AND

Page 2, delete line 24 and substitute the following:

"corrected was recorded.

(3) Subdivision (f)(2) of this section does not apply to a bona fide purchaser for value of real property."

The Amendment was read _____

By: Representative Broadway
DLP/DLP - 03-28-2013 09:53:09
DLP330

Chief Clerk