# 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.

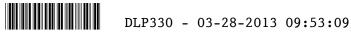
#### Amendment No. 1 to Senate Bill No. 1137

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:

<pre>[Name] prepared or completed the form of a [Type of instrument]</pre>		
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]		
recorded in the records of as Instrument NumberCounty, Arkansas, on [in Book[Date] at Pagecontained		
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]		
<u>[Signature]</u> Name printed:		
wame printed.		
ACKNOWLEDGMENT		
STATE OF }		
}ss.		
COUNTY OF }		
<u>On this</u> <u>day of</u> <u>, 20 , before me, a Notary</u>		
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 Broadaway	
DLP/DLP - 03-28-2013 09:53:09	
DLP330	Chief Clerk