

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1532

By: Representative Wingfield

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 21-6-403, 21-6-306 AND 4-9-403 THROUGH 4-9-407 TO PRESCRIBE COUNTY FEES TO BE CHARGED FOR FILINGS BY CIRCUIT AND CHANCERY CLERKS AND BY COUNTY RECORDERS; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code 21-6-403 is hereby amended to read as follows:

"21-6-403. Circuit and chancery court clerks - Uniform advance fees.

(a) The uniform advance fees to be charged by the clerks of the circuit and chancery courts for initiating or reopening a cause of action in the circuit and chancery courts in the state shall be as prescribed in this section. No portion of the advance fees shall be refunded:

- (1) For initiating a cause of action in the circuit court \$40.00
- (2) For initiating a cause of action in the chancery court, equity, or domestic relations 40.00
- (3) For initiating an ex parte cause of action in the chancery court 12.00
- (4) For reopening a cause of action in the chancery court 12.00

(b) However, if and when any cause of action either in the circuit court or chancery court becomes unusually lengthy and the filings in regard thereto become so voluminous that the uniform advance fee prescribed in subsection (a) of this section for such cause of action becomes inadequate to cover the schedule of fees set forth in § 21-6-402, additional fees may be assessed for each additional filing in accordance with the schedule of fees set forth in § 21-6-402.

(c) (1) The uniform advance fees prescribed in this section shall include all extra fees authorized by law as of March 1, 1977, except the additional

cost levied for deposit in the Court Reporters' Fund in the State Treasury for the payment of salaries and expense allowances of official court reporters.

(2) The fees include, but are not limited to, those fees authorized for assessment for continuing legal education, the County Law Library Fund, court reporter, Justice Building, and Bureau of Vital Statistics-Domestic Relations.

(3) Such fees shall be paid out of the uniform advance fees provided in this section and shall not be paid in addition to the uniform fees."

SECTION 2. Arkansas Code 21-6-306 is hereby amended to read as follows:
"21-6-306. Recorders.

The uniform fees to be charged by the recorders in the various counties in this state shall be as follows:

(1) For recording deeds, deeds of trust, mortgages, release deeds, powers of attorney, and other recordable instruments, except as otherwise prescribed in this section, four dollars (\$4.00) for one (1) page, one side only, and two dollars (\$2.00) for each additional page.

(2) For filing or recording all instruments other than those prescribed in subdivision (1) of this section which are normally placed on record in the recorder's office:

(A) Plats: when measurements exceed 8 1/2 x 14	\$10.00
(B) Survey plats: 8 1/2 x 14 or smaller	6.00
(C) Materialman's lien and certificate of assessment	6.00
(D) Notary bond	6.00
(E) Foreign judgments	6.00
(F) Writs of garnishment or execution of garnishment	10.00
(G) For entering satisfaction of record, marginal50"

SECTION 3. Arkansas Code 4-9-403 (5) is hereby amended to read as follows:

"(5) The uniform fee for filing and indexing and for stamping a copy furnished by the secured party to show the date and place of filing for an original financing statement or for a continuation statement shall not exceed six dollars (\$6.00)."

SECTION 4. Arkansas Code 4-9-404 (3) is hereby amended to read as follows:

"(3) The uniform fee for filing and indexing a termination statement including sending or delivering the financing statement shall not exceed six dollars (\$6.00)."

SECTION 5. Arkansas Code 4-9-405 is hereby amended to read as follows:

"4-9-405. Assignment of security interest - Duties of filing officer - Fees.

(1) A financing statement may disclose an assignment of a security interest in the collateral described in the financing statement by indication in the financing statement of the name and address of the assignee or by an assignment itself or a copy thereof on the face or back of the statement. On presentation to the filing officer of such a financing statement the filing officer shall mark the same as provided in § 4-9-403(4). The uniform fee for filing, indexing, and furnishing filing data for a financing statement so indicating an assignment shall not exceed six dollars (\$6.00).

(2) A secured party may assign of record all or part of his rights under a financing statement by the filing in the place where the original financing statement was filed of a separate written statement of assignment signed by the secured party of record and setting forth the name of the secured party of record and the debtor, the file number, and the date of filing of the financing statement and the name and address of the assignee and containing a description of the collateral assigned. A copy of the assignment is sufficient as a separate statement if it complies with the preceding sentence. On presentation to the filing officer of such a separate statement, the filing officer shall mark such separate statement with the date and hour of the filing. He shall note the assignment on the index of the financing statement, or in the case of a fixture filing, or a filing covering timber to be cut, or covering minerals or the like (including oil and gas) or accounts subject to § 4-9-103(5), he shall index the assignment under the name of the assignor or grantor, and, to the extent that the law of this state provides for indexing the assignment of a mortgage under the name of the assignee, he shall index the assignment of the financing statement under the name of the assignee. The uniform fee for filing, indexing, and furnishing filing data about such a separate statement of assignment shall not exceed six dollars (\$6.00).

Notwithstanding the provisions of this subsection, an assignment of record of a security interest in a fixture contained in a mortgage effective as a fixture filing (□ 4-9-402(6)) may be made only by an assignment of the mortgage in the manner provided by the law of the state other than this subtitle.

(3) After the disclosure or filing of an assignment under this section, the assignee is the secured party of record."

SECTION 6. Arkansas Code 4-9-406 is hereby amended to read as follows:

"4-9-406. Release of collateral - Duties of filing officer - Fees.

A secured party of record may by his signed statement release all or a part of any collateral described in a filed financing statement. The statement of release is sufficient if it contains a description of the collateral being released, the name and address of the debtor, the name and address of the secured party, and the file number of the financing statement. A statement of release signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with □ 4-9-405(2), including payment of the required fees. Upon presentation of such a statement of release to the filing officer he shall mark the statement with the hour and the date of filing and shall note the same upon the margin of the index of the filing of the financing statement. There shall be no fee charged for filing and noting such a statement of release."

SECTION 7. Arkansas Code 4-9-407 (2) is hereby amended to read as follows:

"(2) Upon request of any person, the filing officer shall issue his certificate showing whether there is on file on the date and hour stated therein any presently effective financing statement naming a particular debtor and any statement of assignment thereof and if there is, giving the date and hour of filing of each such statement and the names and addresses of each secured party named therein. The fee for such a certificate shall not exceed six dollars (\$6.00). Upon request the filing officer shall furnish a copy of any filed financing statement, continuation statement, termination statement, statement of assignment or statement of release for a fee of five dollars (\$5.00) and, if such statement consists of more than three (3) pages, an

additional fee of one dollar (\$1.00) for the fourth and each succeeding page."

SECTION 8. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 9. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 10. Emergency. It is hereby found and determined by the General Assembly that the fees currently charged for filing and recording instruments for initiation of actions in the circuit and chancery courts and for other official functions of the circuit and chancery courts are inadequate and should be increased immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

