

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

SENATE BILL

256

By: Senator Hopkins

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 16-66-210 TO PROVIDE THAT THE RURAL HOMESTEAD EXEMPTION SHALL BE RETAINED FOR A RURAL HOMESTEAD ANNEXED INTO A CITY OR TOWN AS LONG AS THE HOMESTEAD REMAINS RURAL IN NATURE AND IS USED FOR AGRICULTURAL PURPOSES."

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

SECTION 1. Arkansas Code 16-66-210 is hereby amended to read as follows:

"16-66-210. Homestead Exemption Act. (a) This section shall be known and may be cited as the "Homestead Exemption Act of 1981".

(b) The homestead of any resident of this state who is married or the head of a family shall not be subject to the lien of any judgment, or decree of any court, or to sale under execution or other process thereon, except such as may be rendered for the purchase money or for specific liens, laborers' or mechanics' liens for improving the homestead, or for taxes, or against executors, administrators, guardians, receivers, attorneys for moneys collected by them, and other trustees of an express trust for moneys due from them, in their fiduciary capacity.

(c) (1) The homestead outside any city, town, or village, owned and occupied as a residence, shall consist of no more than one hundred sixty (160) acres of land, with the improvements thereon, to be selected by the owner. The homestead shall not exceed in value the sum of twenty-five hundred dollars (\$2,500), but, in no event shall the homestead be reduced to less than eighty (80) acres, without regard to value.

(2) The homestead in any city, town, or village, owned and occupied as a residence, shall consist of not more than one (1) acre of land, with the improvements thereon, to be selected by the owner. The homestead shall not exceed the sum of two thousand five hundred dollars (\$2,500) in value, but in

no event shall the homestead be reduced to less than one-quarter (1/4) of an acre of land, without regard to value.

(3) Any homestead outside any city, town, or village, owned and occupied as a residence which is annexed to or made part of an incorporated city or town within the state of Arkansas shall retain its exemption under subdivision (c)(1) of this section as long as the land on which it is located remains rural in nature and has a significant agricultural use.

(d) The homestead provided for in this section shall inure to the benefit of the minor children, under the exemptions provided in this section after the demise of the parents."

SECTION 2. All provisions of this act of 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 3. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 4. It is hereby found and determined by the Seventy-Seventh General Assembly of the State of Arkansas that when land contiguous to a city is annexed certain landowners homestead rights are compromised by the annexation and that in fairness to the previously rural homestead owner, they should be allowed to retain their rural homestead status as long as the land on which the homestead is located remains rural in nature and is used for agricultural purposes. Therefore, in order to correct this inequity, 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.