

State of Arkansas

77th General Assembly A Bill

HOUSE BILL

Third Extraordinary Session, 1989

CALL ITEM 74 1116

By: Representative Beatty

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE §28-40-111 AND §28-50-101, AS AMENDED BY ACT 929 OF 1989; TO DELETE CERTAIN LANGUAGE ERRONEOUSLY INCLUDED THEREIN; AND FOR OTHER PURPOSES."

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

SECTION 1. The following provisions of Arkansas Code of 1987 Annotated, Title 28, Chapter 40, Section 111(c), as amended by Act 929 of 1989, are hereby amended to provide as follows:

"(c) The notice shall be in substantially the following form:

In the Probate Court ofCounty, Arkansas.
In the Matter of the Estate ofDeceased. No.....
Last known address
Date of death

(1) (To be used where no will.)

The undersigned was appointed administrator of the estate of the above decedent on the day of , 19.

(2) (To be used when a will is probated and a personal representative appointed.)

An instrument dated was on the day of , 19. . . . , admitted to probate as the last will of the above named decedent and the undersigned has been appointed executor (or administrator) thereunder. A contest of the probate of the will can be effected only by filing a petition within the time provided by law.

(3) (To be used when a will is probated but no personal representative appointed.)

An instrument dated was on the day of, 19...., admitted to probate as the last will of the above named decedent. Contest of the probate of the will can be effected only by filing within the time

provided by law a petition for an order revoking or modifying the order admitting the will to probate, and delivering a copy of such petition to the undersigned proponent(s) or the undersigned attorney for the proponent(s) at his (their) address hereunder shown.

(4) (To be used in cases where a personal representative is appointed.) All persons having claims against the estate must exhibit them, duly verified, to the undersigned within three (3) months from the date of the first publication of this notice, or they shall be forever barred and precluded from any benefit in the estate. However claims for injury or death caused by the negligence of the decedent shall be filed within six (6) months from the date of first publication of the notice, or they shall be forever barred and precluded from any benefit in the estate.

This notice first published, 19

.....

(Administrator, Executor, Proponent, or Petitioner)

.....

(Mail Address) "

SECTION 2. The provisions of Arkansas Code of 1987 Annotated, Title 28, Chapter 50, Section 101(g), as amended by Act 929 of 1989, are hereby amended to provide as follows:

"(g) Extension of limitation to certain cases. Notwithstanding the foregoing provision relating to the time for filing claims against an estate, or any other provisions of this code, a creditor of an estate who receives service of notice from the personal representative in accordance with §28-40-111(a)(4), within thirty (30) days of the expiration of the nonclaim period shall have an additional thirty (30) days after the expiration of the nonclaim period in which to present or file its claim."

SECTION 3. 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 4. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 5. It is hereby found and determined by the General Assembly that certain language appearing in Act 939 of the Seventy-Seventh General Assembly, was in included in the act in error, thus resulting in ambiguity and uncertainty as to the meaning and effect of its provisions, and this act deletes the erroneous language of Act 929. 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.