

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Representative M. Wilson, K. Wood, J. Wilson, and Courtway

A Bill

HOUSE BILL 1021

For An Act To Be Entitled

8 "AN ACT TO MAKE IT UNLAWFUL TO KNOWINGLY RECORD
9 INSTRUMENTS LACKING AUTHENTICITY AFFECTING THE TITLE TO
10 REAL PROPERTY WITH THE INTENT OF ADVERSELY AFFECTING THE
11 TITLE TO THE REAL PROPERTY; PROVIDING FOR TREBLE DAMAGES
12 IN CIVIL ACTIONS TO CLEAR THE TITLE TO REAL PROPERTY
13 ADVERSELY AFFECTED; AND FOR OTHER PURPOSES."

Subtitle

16 "TO MAKE IT UNLAWFUL TO KNOWINGLY RECORD
17 INSTRUMENTS LACKING AUTHENTICITY
18 ADVERSELY AFFECTING TITLE AND PROVIDE
19 DAMAGES IN CIVIL ACTIONS TO CLEAR THE
20 TITLE ADVERSELY AFFECTED"

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

24 SECTION 1. (a) It shall be unlawful for any person or persons to have
25 placed of record in the office of the recorder of any county any instrument
26 clouding or adversely affecting the title or interest of the true owner,
27 lessee or assignee in real property or clouding or adversely affecting any
28 bona fide interest in real property with the knowledge of the instrument_s
29 lack of authenticity or genuineness and with the intent of clouding,
30 adversely affecting, impairing or discrediting the title or other interest in
31 the real property which may prevent the true owner, lessee or assignee from
32 disposing of the real property, transferring or granting any interest in the
33 real property or with the intent of procuring money or value from the true
34 owner, lessee or assignee to clear the instrument from the records of the
35 office of the recorder.

1 (b) Any person violating the provisions of subsection (a) of this
2 section shall be guilty of a Class A misdemeanor.

3

4 SECTION 2. Any owner, lessee or assignee of real property located in
5 the State of Arkansas who suffers loss or damages as a result of conduct
6 which is prohibited under Section 1(a) and who must bring civil action to
7 remove any clouds from their title or interest in the real property, or to
8 clear their title or interest in the real property shall be entitled to
9 treble actual damages, punitive damages and costs, including all reasonable
10 attorney fees and other costs of litigation reasonably incurred.

11

12 SECTION 3. *The provisions of this act shall not apply to bona fide*
13 *filings of lis pendens, materialmen's liens, laborer's liens, and other*
14 *legitimate notice and protective filings as provided by law.*

15

16 SECTION 4. All provisions of this act of a general and permanent
17 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
18 Code Revision Commission shall incorporate the same in the Code.

19

20 SECTION 5. If any provision of this act or the application thereof to
21 any person or circumstance is held invalid, such invalidity shall not affect
22 other provisions or applications of the act which can be given effect without
23 the invalid provision or application, and to this end the provisions of this
24 act are declared to be severable.

25

26 SECTION 6. All laws and parts of laws in conflict with this act are
27 hereby repealed.

28

/s/M. Wilson, et al

29

30

31

32

33

34

35

