

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Representative Kidd

# A Bill

HOUSE BILL 1796

## For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE § 28-1-112 TO ALLOW SERVICE  
OF PROCESS IN ANY MANNER ALLOWED IN THE RULES OF CIVIL  
PROCEDURE; AND FOR OTHER PURPOSES."

## Subtitle

"AN ACT TO ALLOW SERVICE OF PROCESS  
UNDER THE PROBATE CODE IN ANY MANNER  
ALLOWED IN THE RULES OF CIVIL  
PROCEDURE."

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

SECTION 1. Arkansas Code § 28-1-112(b) is amended to read as follows:

"(b) Kinds of Notice Required. Unless waived and except as otherwise  
provided by law, and subject to rule of the court or order of the court in a  
particular case specifying which of the following types of service shall be  
employed, notices required by this code may be served either:

(1) By delivering a copy personally to a person, if a natural  
person, and, if a corporation or a partnership, by delivering a copy to an  
individual upon whom civil process may be legally served in behalf of the  
corporation or partnership at least ten (10) days prior to the date set for  
the hearing; or

(2) By leaving a copy at the usual place of abode of the person  
being served with some person over the age of fifteen (15) years who is a  
member of his family, the notice to be served by an officer authorized to  
serve process in civil actions at least ten (10) days prior to the date set  
for the hearing; or

(3) By registered mail, requesting a return receipt signed by

1 addressee only, addressed to the person to be served located in the United  
2 States at his address stated in the petition for the hearing, to be posted by  
3 depositing in any United States Post Office in this state at least fifteen  
4 (15) days prior to the date set for the hearing; or

5           (4) By publishing once a week for two (2) consecutive weeks in  
6 some newspaper published and having a general circulation in the county, with  
7 the first day of publication to be at least fifteen (15) days prior to the  
8 date set for the hearing. In addition, when service by publication only is  
9 employed, all persons whose names and addresses appear in the petition shall  
10 be served by ordinary mail, bearing on the envelope the return address of the  
11 clerk, in the same time and manner as provided in subdivision (b)(3) with  
12 respect to notice by registered mail, except that no registration shall be  
13 required;

14           (5) By any combination of two (2) or more of the above; or

15           (6) By any method of service allowed by the Arkansas Rules of  
16 Civil Procedure."

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18           SECTION 2. All provisions of this act of a general and permanent  
19 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
20 Code Revision Commission shall incorporate the same in the Code.

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22           SECTION 3. If any provision of this act or the application thereof to  
23 any person or circumstance is held invalid, such invalidity shall not affect  
24 other provisions or applications of the act which can be given effect without  
25 the invalid provision or application, and to this end the provisions of this  
26 act are declared to be severable.

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28           SECTION 4. All laws and parts of laws in conflict with this act are  
29 hereby repealed.

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