

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995

# A Bill

HOUSE BILL 1905

4 By: Representatives Courtway and Lynn

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## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 28-41-101 (a) TO INCREASE  
9 THE LIMIT FOR SMALL ESTATES THAT MAY BE DISTRIBUTED  
10 WITHOUT ADMINISTRATION; AND FOR OTHER PURPOSES."

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## Subtitle

14 "AN ACT TO INCREASE THE LIMIT FOR SMALL  
15 ESTATES THAT MAY BE DISTRIBUTED WITHOUT  
16 ADMINISTRATION."

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

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21 SECTION 1. Arkansas Code 28-41-101 (a) is amended to read as follows:

22 "(a) The distributee of an estate shall be entitled thereto without  
23 the appointment of a personal representative when:

24 (1) No petition for the appointment of a personal representative  
25 is pending or has been granted; and

26 (2) Forty-five (45) days have elapsed since the death of the  
27 decedent; and

28 (3) The value, less encumbrances, of all property owned by the  
29 decedent at the time of death, excluding the homestead of and the statutory  
30 allowances for the benefit of a spouse or minor children, if any, of the  
31 decedent, does not exceed one hundred thousand dollars (\$100,000); and

32 (4) There shall be filed with the clerk of the probate court of  
33 the county of proper venue for administration an affidavit of one (1) or more  
34 of the distributees setting forth:

35 (A) That there are no unpaid claims or demands against the

1 decedent or his estate, that the Department of Human Services furnished no  
2 federal or state benefits to the decedent, or, that if such benefits have  
3 been furnished, the Department of Human Services has been reimbursed in  
4 accordance with state and federal laws and regulations; and

5 (B) An itemized description and valuation of the personal  
6 property and a legal description and valuation of any real property of the  
7 decedent, including the homestead; and

8 (C) The names and addresses of persons having possession  
9 of the personal property and the names and addresses of any persons  
10 possessing or residing on any real property of the decedent; and

11 (D) The names, addresses, and relationship to the decedent  
12 of the persons entitled to and who will receive the property; and

13 (5) There is furnished to any person owing any money, having  
14 custody of any property, or acting as registrar or transfer agent of any  
15 evidence of interest, indebtedness, property, or right, a copy of the  
16 affidavit certified by the clerk."

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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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