

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001

A Bill

HOUSE BILL 1580

4
5 By: Representative Cleveland
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For An Act To Be Entitled

8
9 AN ACT TO AMEND THE STATUTE OF LIMITATIONS IN ARKANSAS
10 CODE 28-41-102 TO MAKE IT CONSISTENT WITH 28-41-101;
11 AND FOR OTHER PURPOSES.
12

Subtitle

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14 TO AMEND THE STATUTE OF LIMITATIONS IN
15 ARKANSAS CODE 28-41-102 TO MAKE IT
16 CONSISTENT WITH 28-41-101.
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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 28-41-102(b)(2) is amended to read as follows:

22 (2) However, if notice to creditors of the decedent's death and the
23 collection of his or her estate is published as provided by § 28-41-101, all
24 claims as to real property within the estate shall, in any event, be forever
25 barred at the end of ~~six (6)~~ three (3) months after the date of the first
26 publication of the first notice.
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28 SECTION 2. EMERGENCY CLAUSE. It is hereby found and determined by the
29 Eighty-third General Assembly that Act 992 of 1999 amended Arkansas Code 28-
30 41-101 to provide that if a small estate contains real property the
31 distributee must include in the notice of the decedent's death a statement
32 requiring all persons having claims against the estate to exhibit them within
33 three (3) months, instead of six (6) months, after the date of the first
34 publication of the notice; that Arkansas Code 28-41-102 also contained the six
35 (6) month provision for filing claims and that it was inadvertently not
36 changed to three (3) months; that this act cures the same by making 28-41-102

1 consistent with 28-41-101; and that this act should become effective as soon
2 as possible in order to eliminate any confusion regarding whether the statute
3 of limitations involved in those two statutes is six (6) months or three (3)
4 months. Therefore, an emergency is declared to exist and this act being
5 immediately necessary for the preservation of the public peace, health and
6 safety shall become effective on the date of its approval by the Governor. If
7 the bill is neither approved nor vetoed by the Governor, it shall become
8 effective on the expiration of the period of time during which the Governor
9 may veto the bill. If the bill is vetoed by the Governor and the veto is
10 overridden, it shall become effective on the date the last house overrides the
11 veto.

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