

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 85th General Assembly  
3 Regular Session, 2005

# A Bill

HOUSE BILL 1192

4  
5 By: Representative Reep  
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## For An Act To Be Entitled

9 AN ACT TO MODIFY THE REQUIREMENTS FOR ADVERSE  
10 POSSESSION WITH REGARD TO ENTITIES EXEMPT FROM  
11 THE PAYMENT OF AD VALOREM TAXES; AND FOR OTHER  
12 PURPOSES.  
13

## Subtitle

14 AN ACT TO MODIFY THE REQUIREMENTS FOR  
15 ADVERSE POSSESSION WITH REGARD TO  
16 ENTITIES EXEMPT FROM THE PAYMENT OF AD  
17 VALOREM TAXES.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 18-11-106 is amended to read as follows:  
24 18-11-106. Adverse possession.

25 (a) To establish adverse possession of real property, the person, and  
26 those under whom the person claims, must have actual or constructive  
27 possession of the property being claimed and have either:

28 (1)(A) Held color of title to the property for a period of at  
29 least seven (7) years, and during that time have paid ad valorem taxes on the  
30 property.

31 (B) For purposes of this subdivision (a)(1) of this  
32 section, color of title may be established by the person claiming adversely  
33 to the true owner by paying the ad valorem taxes for a period of at least  
34 seven (7) years for unimproved and unenclosed land or fifteen (15) years for  
35 wild and unimproved land, provided the true owner has not also paid the ad  
36 valorem taxes or made a bona fide good faith effort to pay the ad valorem



1 taxes which were misapplied by the state and local taxing authority; or

2 (2) Held color of title to real property contiguous to the  
3 property being claimed by adverse possession for a period of at least seven  
4 (7) years, and during that time have paid ad valorem taxes on the contiguous  
5 property to which the person has color of title.

6 (b)(1) The requirements of subsection (a) of this section with regard  
7 to payment of ad valorem taxes shall not apply to a person or entity exempt  
8 from the payment of ad valorem taxes by law.

9 (2) For the person or entity exempt from the payment of ad  
10 valorem taxes to establish adverse possession of real property, the person or  
11 entity must have:

12 (A) Actual or constructive possession of the property  
13 being claimed and held color of title to the property for a period of at  
14 least seven (7) years; or

15 (B) Actual or constructive possession of the property  
16 being claimed and held color of title to the real property contiguous to the  
17 property being claimed by adverse possession for a period of at least seven  
18 (7) years.

19 ~~(b)(c)~~ The requirements of this section are in addition to all other  
20 requirements for establishing adverse possession.

21 ~~(e)(d)~~ This section shall not repeal any requirement under existing  
22 case law for establishing adverse possession but shall be supplemental  
23 thereto, and, specifically, this section shall not diminish the presumption  
24 of possession of unimproved and unenclosed land created under § 18-11-102 by  
25 payment of taxes for seven (7) years under color of title or the presumption  
26 of color of title on wild and unimproved land created under § 18-11-103 by  
27 payment of taxes for fifteen (15) consecutive years.

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