

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
4

As Engrossed: S2/14/05

A Bill

SENATE BILL 188

5 By: Senators Wooldridge, G. Jeffress, J. Jeffress, B. Johnson
6 By: Representative Roebuck
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8

For An Act To Be Entitled

10 AN ACT TO ENHANCE THE MARKETABILITY OF THE TITLE
11 OF PROPERTY SOLD FOR NONPAYMENT OF TAXES; AND FOR
12 OTHER PURPOSES.
13

Subtitle

14 TO ENHANCE THE MARKETABILITY OF THE
15 TITLE OF PROPERTY SOLD FOR NONPAYMENT OF
16 TAXES.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code Title 18, Chapter 12, Subchapter 6 is amended
23 to add an additional section to read as follows:

24 18-12-608. Marketability of property sold at tax sales.

25 (a) The title to any real property located within the State of
26 Arkansas, including, but not limited to, severed mineral rights, based upon a
27 deed resulting from a delinquent tax sale is marketable if:

28 (1) The tax deed has been of record for more than twenty (20)
29 years;

30 (2) Any taxes due have been paid by the tax deed grantee or the
31 heirs or successors of the tax deed grantee for more than twenty (20) years;

32 (3) No claim of adverse possession of the property has been
33 asserted or filed of record since the recording of the tax deed;

34 (4) The taxes for which the tax deed was issued had not been
35 paid before the tax deed was executed and delivered to the tax deed grantee;
36 and



1 (5) The forfeiture for nonpayment of taxes and delinquent tax
 2 sale were valid in all respects.

3 (b) Nothing in this section shall preclude a judicial action to quiet
 4 the title to any real property located within this state prior to the time
 5 that the title to the property is considered marketable under subsection (a)
 6 of this section.

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 8 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
 9 General Assembly of the State of Arkansas that the titles to severed mineral
 10 rights purchased at delinquent tax sales are not marketable; that the
 11 inability to lease or transfer these mineral rights is an unreasonable
 12 alienation of real property and harmful to the economy; and that this act
 13 will permit the free transfer of severed mineral rights purchased at
 14 delinquent tax sales for the good of the state and its citizens. Therefore,
 15 an emergency is declared to exist and this act being immediately necessary
 16 for the preservation of the public peace, health, and safety shall become
 17 effective on:

18 (1) The date of its approval by the Governor;

19 (2) If the bill is neither approved nor vetoed by the Governor,
 20 the expiration of the period of time during which the Governor may veto the
 21 bill; or

22 (3) If the bill is vetoed by the Governor and the veto is
 23 overridden, the date the last house overrides the veto.

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 25 /s/ Wooldridge
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