

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 S4/1/05 H4/11/05

# A Bill

SENATE BILL 188

5 By: Senators Wooldridge, G. Jeffress, J. Jeffress, B. Johnson  
6 By: Representative Roebuck  
7  
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.  
17  
18  
19

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 based upon a deed resulting from a delinquent tax sale is marketable  
27 if:

28 (1) The tax deed has been of record for more than fifteen (15)  
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 fifteen (15) 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; and

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 (b) This section shall not be subject to the additional time to



1 challenge a tax deed given to minors, persons suffering a mental incapacity,  
2 or persons serving in the United States armed forces during a time of war  
3 under § 26-37-203(b).

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

8 (d) This section shall not apply to tax sales of severed mineral  
9 interests.

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

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

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

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

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28 /s/ Wooldridge, et al  
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