

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 8h General Assembly  
3 Regular Session, 2005  
4

As Engrossed: S2/14/05

# A Bill

SENATE BILL 189

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

## For An Act To Be Entitled

10 AN ACT TO PERMIT ACTIONS TO QUIET THE TITLE OF  
11 MINERAL INTERESTS SOLD FOR NONPAYMENT OF TAXES;  
12 AND FOR OTHER PURPOSES.  
13

### Subtitle

14 TO PERMIT ACTIONS TO QUIET THE TITLE OF  
15 MINERAL INTERESTS SOLD FOR NONPAYMENT OF  
16 TAXES.  
17  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. Arkansas Code § 18-60-601 is amended to read as follows:  
23 18-60-601. Proceedings to confirm public sales.

24 (a) The purchasers, or the heirs and legal representatives of  
25 purchasers, of lands at sheriff's sales or those made by the county clerks,  
26 or by the Commissioner of State Lands, or from levee or drainage improvement  
27 districts, who have acquired title by purchase at the sale held by the  
28 sheriff or by foreclosure proceedings for taxes due the districts, in  
29 pursuance of any of the laws thereof, or those made by the order, decree, or  
30 authority of any court of record, may ~~protect themselves from eviction of~~  
31 quiet and confirm the title to the lands so purchased, or from any  
32 ~~responsibility as possessors of them,~~ by proceeding in the manner provided in  
33 this subchapter.

34 (b) As used in this subchapter, "lands" means any divided or undivided  
35 interest in real property, including, but not limited to, subsurface mineral  
36 interests, whether severed or unsevered.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

SECTION 2. Arkansas Code Title 18, Chapter 60, Subchapter 6 is amended to add an additional section to read as follows:

18-60-611. Applicability.

The procedure for quieting title and the resulting substantive rights under this subchapter apply to lands purchased before or after the effective date of this act.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that under the decision in Schuman v. Certain Lands, 223 Ark. 85, 264 S.W.2d 413 (1954), the statutes to quiet the title to land purchased at public sales were held inapplicable to tax sale purchases of severed mineral rights; and that a procedure to establish the marketability of titles based upon tax sale purchases of severed mineral rights is needed to permit the transfer or lease of minerals for the good of the state's economy and its citizens. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

- (1) The date of its approval by the Governor;
- (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or
- (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

*/s/ Wooldridge*