

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

SENATE BILL 429

4  
5 By: Senator Baker  
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## For An Act To Be Entitled

8  
9 AN ACT TO INCREASE THE VALUE OF AN ESTATE THAT IS  
10 QUALIFIED FOR COLLECTION BY THE DISTRIBUTEE AS A  
11 SMALL ESTATE; AND FOR OTHER PURPOSES.  
12

## Subtitle

13  
14 AN ACT TO INCREASE THE VALUE OF AN  
15 ESTATE THAT IS QUALIFIED FOR COLLECTION  
16 BY THE DISTRIBUTEE AS A SMALL ESTATE.  
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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 § 28-41-101(a), concerning the collection of  
22 small estates by distributee, is amended to read as follows:

23 (a) The distributee of an estate shall be entitled thereto without the  
24 appointment of a personal representative when:

25 (1) No petition for the appointment of a personal representative  
26 is pending or has been granted;

27 (2) Forty-five (45) days have elapsed since the death of the  
28 decedent;

29 (3) The value, less encumbrances, of all property owned by the  
30 decedent at the time of death, excluding the homestead of and the statutory  
31 allowances for the benefit of a spouse or minor children, if any, of the  
32 decedent, does not exceed ~~fifty thousand dollars (\$50,000)~~ one hundred  
33 thousand dollars (\$100,000);

34 (4) There shall be filed with the probate clerk of the circuit  
35 court of the county of proper venue for administration an affidavit of one  
36 (1) or more of the distributees setting forth:



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(A) That there are no unpaid claims or demands against the decedent or his or her estate, that the Department of Human Services furnished no federal or state benefits to the decedent, or, that if such benefits have been furnished, the department has been reimbursed in accordance with state and federal laws and regulations;

(B) An itemized description and valuation of the personal property and a legal description and valuation of any real property of the decedent, including the homestead;

(C) The names and addresses of persons having possession of the personal property and the names and addresses of any persons possessing or residing on any real property of the decedent; and

(D) The names, addresses, and relationship to the decedent of the persons entitled to and who will receive the property; and

(5) There is furnished to any person owing any money, having custody of any property, or acting as registrar or transfer agent of any evidence of interest, indebtedness, property, or right, a copy of the affidavit certified by the clerk.