

State of Arkansas
86th General Assembly
Regular Session, 2007

A Bill

HOUSE BILL 1384

By: Representative Lamoureux

For An Act To Be Entitled

AN ACT TO PERMIT CONCURRENT JURISDICTION OF
EVICITION PROCEEDINGS IN DISTRICT COURT; AND FOR
OTHER PURPOSES.

Subtitle

TO PERMIT CONCURRENT JURISDICTION OF
EVICITION PROCEEDINGS IN DISTRICT COURT.

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

SECTION 1. Arkansas Code § 18-60-306 is amended to read as follows:
18-60-306. Jurisdiction.

(a) Forcible entries and detainers and unlawful detainers are
cognizable before the:

(1) ~~circuit~~ Circuit court of any county in which the offenses
may be committed; and

(2) District court with jurisdiction concurrent with the
jurisdiction of the circuit court, if permitted by rule or order of the
Supreme Court.

(b) As used in this subchapter, "court" means:

(1) A circuit court; and

(2) If permitted by rule or order of the Supreme Court, a
district court.

SECTION 2. Arkansas Code § 18-60-307(a) and (b), concerning eviction
procedures, are amended to read as follows:

(a) When any person to whom any cause of action shall accrue under



1 this subchapter shall file in the office of the clerk of the ~~circuit~~ court of
 2 ~~the county in which the offense shall be committed~~ a complaint signed by him
 3 or her, his or her agent or attorney, specifying the lands, tenements, or
 4 other possessions so forcibly entered and detained, or so unlawfully detained
 5 over, and by whom and when done, and shall also file the affidavit of himself
 6 or herself or some other credible person for him or her, stating that the
 7 plaintiff is lawfully entitled to the possession of the lands, tenements, or
 8 other possessions mentioned in the complaint and that the defendant forcibly
 9 entered upon and detained them or unlawfully detains them, after lawful
 10 demand therefor made in the manner described in this subchapter, the clerk of
 11 the court shall thereupon issue a summons upon the complaint. The summons
 12 shall be in customary form directed to the sheriff of the county in which the
 13 cause of action is filed, with direction for service thereof on the named
 14 defendants. In addition, he or she shall issue and direct the sheriff to
 15 serve upon the named defendants a notice in the following form:

16
 17 "NOTICE OF INTENTION TO ISSUE WRIT OF POSSESSION

18
 19 You are hereby notified that the attached complaint in the above styled
 20 cause claims that you have been guilty of [forcible entry and detainer]
 21 [unlawful detainer] (the inapplicable phrase shall be deleted from the
 22 notice) and seeks to have a writ of possession directing the sheriff to
 23 deliver possession of the lands, tenements, or other possessions described in
 24 the complaint delivered to the plaintiff. If, within five (5) days, excluding
 25 Sundays and legal holidays, from the date of service of this notice, you have
 26 not filed in the office of the ~~circuit~~ clerk of this ~~county~~ court a written
 27 objection to the claims made against you by the plaintiff for possession of
 28 the property described in the complaint, then a writ of possession shall
 29 forthwith issue from this office directed to the sheriff of this county and
 30 ordering him to remove you from possession of the property described in the
 31 complaint and to place the plaintiff in possession thereof. If you should
 32 file a written objection to the complaint of the plaintiff and the
 33 allegations for immediate possession of the property described in the
 34 complaint within five (5) days, excluding Sundays and legal holidays, from
 35 the date of service of this notice, a hearing will be scheduled by the
 36 ~~circuit court of this county~~ to determine whether or not the writ of

possession should issue as sought by the plaintiff.

.....

~~Circuit~~ Clerk of

.....~~County~~ Circuit/District Court"

(b) If, within five (5) days, excluding Sundays and legal holidays, following service of this summons, complaint, and notice seeking a writ of possession against the defendants named therein, the defendant or defendants have not filed a written objection to the claim for possession made by the plaintiff in his or her complaint, the clerk of the ~~circuit~~ court shall immediately issue a writ of possession directed to the sheriff commanding him or her to cause the possession of the property described in the complaint to be delivered to the plaintiff without delay, which the sheriff shall thereupon execute in the manner described in § 18-60-310.

SECTION 3. Arkansas Code § 18-60-310(a), concerning the execution of a writ of possession, is amended to read as follows:

(a) Upon receipt of a writ of possession from the clerk of the ~~circuit~~ court, the sheriff shall immediately proceed to execute the writ in the specific manner described in this section and, if necessary, ultimately by ejecting from the property described in the writ the defendant or defendants and any other person or persons who shall have received or entered into the possession of the property after the issuance of the writ, and thereupon notify the plaintiff that the property has been vacated by the defendant or defendants.