

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 86th General Assembly  
3 Regular Session, 2007  
4

As Engrossed: H3/15/07

# A Bill

HOUSE BILL 2486

5 By: Representative Reynolds  
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## For An Act To Be Entitled

9 AN ACT TO PROVIDE A PROCEDURE FOR THE  
10 DETERMINATION OF THE RIGHTS OF SURFACE OWNERS AND  
11 OTHER INTERESTED PARTIES TO THE MINERAL INTEREST  
12 BENEATH THE LAND OF THE SURFACE OWNER; TO  
13 AUTHORIZE THE REIMBURSEMENT OF TAXES PAID UNDER A  
14 DEED TO THE MINERAL RIGHTS; AND FOR OTHER  
15 PURPOSES.  
16

## Subtitle

17  
18 TO PROVIDE A PROCEDURE FOR THE  
19 DETERMINATION OF THE RIGHTS OF SURFACE  
20 OWNERS AND OTHER INTERESTED PARTIES TO  
21 MINERAL INTERESTS AND TO AUTHORIZE THE  
22 REIMBURSEMENT OF TAXES PAID UNDER A DEED  
23 TO THE MINERAL RIGHTS.  
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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28 *SECTION 1. Arkansas Code Title 18, Chapter 60, Subchapter 5 is amended*  
29 *to add an additional section to read as follows:*

30 *18-60-512. Quieting title to mineral rights.*

31 *(a) It is the intention of the General Assembly by the enactment of*  
32 *this section to encourage and promote a judicial resolution to the*  
33 *ascertainment of title to mineral rights whenever possible in light of*  
34 *decisions of the Arkansas Supreme Court such as Sorkin v. Myers, 216 Ark.*  
35 *908, 227 S.W.2d 958 (1950) and Dawdy v. Holt, 281 Ark. 171, 662 S.W.2d 818*  
36 *(1984) recognizing the uncertain status of the title to numerous mineral*



1 interests in the state.

2 (b) A surface owner or the holder of a tax deed to a mineral interest  
3 issued by a county clerk before January 1, 1984, may petition under this  
4 subchapter to quiet and confirm in the surface owner or holder of the tax  
5 deed the title to the mineral rights:

6 (1) Beneath the land of the surface owner; or

7 (2) Described in the tax deed issued by the county clerk.

8 (c) The following parties are necessary parties to an action under  
9 this section and shall be summoned in accordance with Rule 4 of the Arkansas  
10 Rules of Civil Procedure if the party does not enter an appearance:

11 (1) The surface owner;

12 (2) A prior surface owner at any time on or after the time that  
13 the mineral interest was severed from the surface estate;

14 (3) A prior or current grantee of a recorded deed or a recorded  
15 tax deed to the mineral interest;

16 (4) A party with an interest of record in the land; and

17 (5) Any other party that the plaintiff knows claims an interest  
18 in the mineral rights.

19 (d) In an action under this section the court:

20 (1) Shall determine by a preponderance of the evidence under  
21 equitable principles the rightful ownership of the mineral rights; and

22 (2) Shall consider:

23 (A) All facts and circumstances surrounding the severance  
24 of the mineral interest;

25 (B) The strength of the claim of the holder of a tax deed  
26 to the mineral interest without disqualification solely because the  
27 delinquent mineral interest was not subjoined to the surface estate in the  
28 books of the county assessor due to the listing of the mineral interest in a  
29 separate book than the surface estate;

30 (C) The period of time and the amount of all taxes paid  
31 under a tax deed to the minerals; and

32 (D) Any other fact or circumstance the court deems  
33 appropriate.

34 (e) If title to the mineral interest is not quieted and confirmed in a  
35 party that alone or in conjunction with the party's predecessors paid the  
36 taxes for more than five (5) consecutive years under a tax deed to the

1 mineral rights that was issued before January 1, 1984, the court shall:

2 (1) Order the party that is awarded a decree quieting and  
3 confirming title to the mineral rights to reimburse the tax payments of a  
4 party that alone or in conjunction with the party's predecessors paid the  
5 taxes for more than five (5) consecutive years under a tax deed to the  
6 mineral rights that was issued before January 1, 1984; and

7 (2) Withhold entry of judgment until the tax payments are  
8 reimbursed under subdivision (d)(1) of this section.

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10 /s/ Reynolds  
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