

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

A Bill

HOUSE BILL 2517

5 By: Representative Ragland
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For An Act To Be Entitled

9 AN ACT TO PERMIT ACTIONS TO QUIET THE TITLE TO
10 MINERAL INTERESTS; AND FOR OTHER PURPOSES.

Subtitle

11
12 AN ACT TO PERMIT ACTIONS TO QUIET THE
13 TITLE TO MINERAL INTERESTS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 18-60-501 is amended to read as follows:
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21 18-60-501. Proceedings generally.

22 (a) Any person claiming to own land that is wild or improved or land
23 that is in the actual possession of himself or herself, or those claiming
24 under him or her, may have his or her title to the land confirmed and quieted
25 by proceeding in the manner provided in this subchapter.

26 (b) As used in this subchapter, "land" means any divided or undivided
27 interest in real property including, but not limited to, subsurface mineral
28 interests, whether severed or unsevered.

29 (c) The procedure for quieting title and the resulting substantive
30 rights under this subchapter apply retroactively to all land within the State
31 of Arkansas.
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33 SECTION 2. Arkansas Code § 18-60-601 is amended to read as follows:
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35 18-60-601. Proceedings to confirm public sales.

36 (a) The purchasers, or the heirs and legal representatives of
purchasers, of lands at sheriff's sales or those made by the county clerks,



1 or by the Commissioner of State Lands, or from levee or drainage improvement
 2 districts, who have acquired title by purchase at the sale held by the
 3 sheriff or by foreclosure proceedings for taxes due the districts, in
 4 pursuance of any of the laws thereof, or those made by the order, decree, or
 5 authority of any court of record, may protect themselves from eviction of the
 6 lands so purchased, or from any responsibility as possessors of them, by
 7 proceeding in the manner provided in this subchapter.

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

11 (c) The procedure for quieting title and the resulting substantive
 12 rights under this subchapter apply retroactively to all lands within the
 13 State of Arkansas.

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

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

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

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

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