

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

A Bill

SENATE BILL 355

4
5 By: Senator Salmon
6
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS
10 CODE CONCERNING THE SALE OF TAX DELINQUENT LANDS;
11 AND FOR OTHER PURPOSES.
12

Subtitle

13
14 TO AMEND VARIOUS SECTIONS OF THE
15 ARKANSAS CODE CONCERNING THE SALE OF TAX
16 DELINQUENT LANDS.
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 26-37-201 is amended to read as follows:

22 26-37-201. Publication of notice - Fee.

23 (a)(1) The Commissioner of State Lands shall publish a notice of sale
24 of land upon which the ad valorem property taxes have not been paid in a
25 newspaper having general circulation in the county where the land is located.

26 (2) The publication fee for the notice shall be the same as set
27 forth in § 26-37-107.

28 (b) The notice shall:

29 (1) Contain the assessed value of the land;

30 (2) Contain the amount of taxes, interest, penalties, and other
31 costs due on the land;

32 (3)(A) Contain the name of the owner, the legal description, and
33 parcel number of the land.

34 (B) A part or abbreviated legal description shall be
35 sufficient in the notice if the name of the owner and parcel number are
36 listed;



1 (4) Contain a list of all recorded liens against the land that
2 are known to the Commissioner of State Lands; ~~and~~

3 (5) Indicate that the land will be sold to the highest bidder if
4 the bid is equal to at least the assessed value of the land as certified to
5 the Commissioner of State Lands; and

6 (6) Contain a list of all interested parties.

7 (c) The highest bidder shall pay all taxes, interest, penalties, and
8 other costs.

9 (d)(1) Failure of the notice to contain the information required in
10 subsection (b) of this section invalidates an auction sale of the land; and

11 (2) The land is not eligible for a negotiated sale until a
12 proper notice as required by subsection (b) of this section has been
13 published and an auction sale is conducted after publication of the proper
14 notice.

15 (e) As used in this section, "interested party" has the same meaning
16 as in § 26-37-301.

17
18 SECTION 2. Arkansas Code § 26-37-202 is amended to read as follows:
19 26-37-202. Procedure to sell.

20 (a) Bidders may bid at the sale or mail their bid to the office of the
21 Commissioner of State Lands. Bids shall be delivered at the appropriate place
22 before the deadline established in the notice of sale.

23 (b) If no one bids at least the assessed value, the Commissioner of
24 State Lands may negotiate a sale. All negotiated sales shall have approval
25 of the Attorney General of the State of Arkansas.

26 (c) The Commissioner of State Lands shall conduct tax-delinquent sales
27 in the county wherein the land is located, unless the Commissioner of State
28 Lands determines that there are not enough parcels of land to justify a sale
29 in one (1) county only. In that case, the Commissioner of State Lands may
30 hold a tax-delinquent land sale in one (1) location and thereat sell land
31 located in more than one (1) county if the counties wherein the lands are
32 located are adjoining counties.

33 (d) The sales shall be conducted on the dates specified in the notices
34 required by this subchapter.

35 (e)(1) ~~Unless the owners of record tender~~ After a sale of the land by
36 the Commissioner of State Lands, including a negotiated sale, the

1 Commissioner of State Lands shall notify the owner and all interested parties
2 of the right to redeem the land within thirty (30) days after the notice by
3 paying all taxes, penalties, interest, and costs due, ~~within thirty (30) days~~
4 after the date of sale including the cost of the notice.

5 (2) The notice under subdivision (e)(1) of this section shall be
6 sent by certified mail to the last known address of the owner and all
7 interested parties.

8 (3) If the land is not redeemed, a limited warranty deed will be
9 issued by the Commissioner of State Lands to the purchaser.

10 (f) As used in this section, "interested party" has the same meaning
11 as in § 26-37-301.

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13 SECTION 3. Arkansas Code § 26-37-204 is amended to read as follows:
14 26-37-204. Sales set aside.

15 (a) In the event the sale is set aside by legal action or if the land
16 is proven to be nonexistent or double assessed, the purchaser shall be
17 entitled to reimbursement of moneys paid.

18 (b) The Commissioner of State Lands shall have the authority to set
19 aside any sale. In the event the Commissioner determines that a sale shall
20 be set aside, the purchaser may be entitled to reimbursement of moneys paid
21 to the Commissioner of State Lands.

22 (c) In cases where sales may be set aside by the Commissioner of State
23 Lands or by legal action by the record owner or the heirs or assigns of the
24 record owner, the record owner or the heirs or assigns of the record owner
25 shall pay all back taxes, penalties, interest, and costs charged against the
26 land.

27 (d) If the Commissioner of State Lands determines that all interested
28 parties did not receive the required notice of sale and right to redeem, the
29 Commissioner of State Lands shall:

30 (1) Set aside the sale; or

31 (2) Notify the interested parties of the reasons why the
32 Commissioner of State Lands does not believe the sale should be set aside.

33 (e) As used in this section, "interested party" has the same meaning
34 as in § 26-37-301.

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36 SECTION 4. Arkansas Code § 26-37-301 is amended to read as follows:

1 26-37-301. Notice to owner.

2 (a)(1) Subsequent to receiving tax-delinquent land, the Commissioner
3 of State Lands shall notify the owner, at the owner's last known address, by
4 certified mail, of the owner's right to redeem by paying all taxes,
5 penalties, interest, and costs, including the cost of the notice.

6 (2) All interested parties ~~known to the Commissioner of State~~
7 ~~Lands~~ shall receive notice of the sale from the Commissioner of State Lands
8 in the same manner.

9 (b)(1) The notice to the owner or interested party shall also indicate
10 that the tax-delinquent land will be sold if not redeemed prior to the date
11 of sale.

12 (2) The notice shall also indicate the sale date, and that date
13 shall be no earlier than two (2) years after the land is certified to the
14 Commissioner of State Lands.

15 (c) As used in this section, "owner" and "interested party" mean any
16 person, firm, corporation, or partnership holding title to or an interest in
17 the property by virtue of a bona fide recorded instrument at the time of
18 certification to the Commissioner of State Lands.

19 (d) The Commissioner of State Lands shall not be required to notify,
20 by certified mail or by any other means, any person, firm, corporation, or
21 partnership whose title to or interest in the property is obtained subsequent
22 to certification to the Commissioner of State Lands.

23 (e)(1) If the Commissioner of State Lands fails to receive proof that
24 the notice sent by certified mail under this section was received by the
25 owner of a homestead, as defined under § 26-26-1118(b), then the Commissioner
26 of State Lands or his or her designee shall provide actual notice to the
27 owner of a homestead, as defined under § 26-26-1118(b), by personal service
28 of process at least sixty (60) days before the date of sale.

29 (2) As used in this subsection, "owner of a homestead" means:

30 (A) Every owner if the homestead is owned by joint
31 tenants; and

32 (B) Either the husband or the wife if the homestead is
33 owned by tenants by the entirety.

34 (3) The owner of a homestead shall pay for the additional cost
35 of the notice by personal service of process under this subsection.

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