

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

SENATE BILL 377

5 By: Senators Brown, Steele, Madison, Wilkins, Salmon
6 By: Representatives D. Johnson, Adcock, Webb, Allen, T. Baker, Chesterfield, Davis, J. Johnson,
7 Rainey, Overbey
8
9

For An Act To Be Entitled

11 AN ACT TO AMEND VARIOUS QUIET TITLE STATUTES; AND
12 FOR OTHER PURPOSES.
13

Subtitle

15 AN ACT TO AMEND VARIOUS QUIET TITLE
16 STATUTES; AND FOR OTHER PURPOSES.
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 18-60-502(b) is amended to read as follows:

22 (b)(1) The petitioner shall initiate a search of the following records
23 in order to identify persons entitled to notice and shall provide notice
24 pursuant to subdivision (b)(2) of this section:

25 (A) Land title records in the office of the county
26 recorder;

27 (B) Tax records in the office of the county collector;

28 (C) Tax records in the office of the county treasurer;

29 (D) Tax records in the office of the county assessor;

30 (E) For an individual, records of the probate court for the
31 county in which the property is located;

32 (F) For an individual, voter registration records
33 maintained by the Arkansas Secretary of State;

34 (G) For a partnership, partnership records filed with the
35 county clerk; and

36 (H) For a business entity other than a partnership,



1 business entity records filed with the Arkansas Secretary of State.

2 (2)(A) Petitioner shall send notice by certified mail to the
3 last known address in duplicate, with one copy addressed by name to the
4 person entitled to notice and the other copy addressed to "occupant", and if
5 the certified mail is returned undelivered, the petitioner shall send a
6 second notice by regular mail.

7 (B) Petitioner shall post a notice of the pending quiet
8 title action conspicuously on the property.

9 (3) If the petitioner has knowledge of any other person who has,
10 or claims to have, interest in the lands, the petitioner shall so state, and
11 the person or persons shall be summoned as defendants in the case.
12

13 SECTION 2. Arkansas Code § 18-60-508 is amended by adding two
14 additional subsections to read as follows:

15 (c) The decree shall be published at least once a week for two (2)
16 consecutive weeks in a newspaper with general circulation in the county
17 wherein the property is located.

18 (d) Any person claiming right, title, or interest in the property may
19 file an action to set aside the decree within thirty (30) calendar days after
20 the date of the last publication, otherwise their rights shall forever be
21 barred.

22
23 SECTION 3. Arkansas Code § 18-60-510 is amended to read as follows:
24 18-60-510. Setting aside decree.

25 ~~(a) Any person may appear within three (3) years and set aside the~~
26 ~~decree if he or she shall offer to file a meritorious defense.~~

27 ~~(b) Every person laboring under the disability of infancy, lunacy, or~~
28 ~~idiocy, and those claiming under them, may set aside the decree~~ file an
29 action to recover monetary damages, not to exceed the fair market value of
30 the property at the time of issuance of the decree, at any time within three
31 (3) years after the removal of their disability if, and only if, none of the
32 following conditions existed at the time the petitioner acquired interest in
33 the property:

- 34 (1) The property was tax delinquent; or
- 35 (2) There were unpaid code violation liens on the property; or
- 36 (3) The property had been declared unsafe by resolution of the

1 governing body of the city.

2

3 SECTION 4. Arkansas Code § 18-60-602(b) is amended to read as follows:

4 (b) The petitioner, if he or she is acquainted with the lands, shall
 5 file with his or her petition his or her affidavit, or the affidavit of some
 6 person who is acquainted with the lands, showing that there is no person in
 7 actual possession of the lands claiming title adverse to the petitioner,
 8 ~~copies of the tax receipt showing payment of the taxes for the three (3)~~
 9 ~~years next preceding the publication of the notice to confirm~~ proof that
 10 taxes owed on the lands were either paid, settled, or released shall be filed
 11 with the petition, and, in the case of levee or drainage improvement
 12 districts, ~~copies of tax receipts showing~~ proof of payment, settlement, or
 13 release of all delinquent taxes.

14

15 SECTION 5. Arkansas Code § 18-60-604 is amended to read as follows:

16 18-60-604. Petition taken as confessed.
 17 If the deed or deeds are in proper legal form and properly executed, if ~~the~~
 18 ~~tax receipts show~~ there is proof showing payment, settlement, or release of
 19 the taxes, and if the evidence shows that no one is in possession adverse to
 20 the petitioner, then, in case no one has appeared to show cause against the
 21 prayer of the petitioner, the petition shall be taken as confessed and the
 22 court shall render final decrees confirming the sale in question.

23

24 SECTION 6. Arkansas Code § 18-60-606(a)(1) is amended to read as
 25 follows:

26 (a)(1) On the trial of the cause, the petitioner shall exhibit to the
 27 court ~~the tax receipts showing the payment of the taxes for at least three~~
 28 ~~(3) successive years~~ proof that taxes owed on the lands were either paid,
 29 settled, or released and, in the case of lands acquired from levee and
 30 drainage improvement districts:

31 (A) All delinquent taxes that have been ~~due~~ paid, settled,
 32 or released;

33 (B) The deed or deeds under which he or she claims title,
 34 or the record thereof, or a certified copy or copies from the record; and

35 (C) Oral or written proof by one (1) or more witnesses acquainted with the
 36 lands showing that no one is in possession claiming adverse to the

1 petitioner.

2

3 SECTION 7. Arkansas Code § 18-60-607 is amended to read as follows:
4 18-60-607. Confirmation of sale.

5 (a) There should be no confirmation of the sale of any lands that are
6 in actual possession of any person claiming title adverse to the petitioner,
7 nor shall there be any confirmation of the sale of lands unless the
8 petitioner, or his or her grantor or those under whom he or she claims title,
9 ~~has paid the taxes on the lands for at least two (2) years after the~~
10 ~~expiration of the right of redemption, the payment of taxes to be three (3)~~
11 ~~consecutive years immediately prior to the application to confirm~~ submits
12 proof that all taxes owed on the lands have been paid, settled, or released.

13 (b) With respect to land in levee and drainage improvement districts,
14 there shall be no confirmation of sale unless title has been acquired as
15 referred to in § 18-60-601, nor unless the petitioner, or his or her grantor
16 or grantors, exhibit proof of payment, settlement, or release of all taxes
17 that are due against the lands in the districts at the time of the rendition
18 of the decree of confirmation by the court.

19

20 SECTION 8. Arkansas Code § 18-60-608(a)(2) is amended to read as
21 follows:

22 (2)(A) The title to the land shall be considered as confirmed and
23 complete in the purchaser thereof, and his or her heirs and assigns forever,
24 ~~saving, however, to infants, persons of unsound mind, or individuals~~
25 ~~imprisoned overseas, the right to appear and contest the title to the land~~
26 ~~within one (1) year after their disabilities may be removed.~~

27 (B) Infants, persons of unsound mind, and individuals
28 imprisoned overseas, may file an action to recover monetary damages, not to
29 exceed the fair market value of the property at the time of the public sale
30 or conveyance, at any time within three (3) years after the removal of their
31 disability if, and only if, none of the following conditions existed at the
32 time of the public sale or conveyance:

33 (1) The property was tax delinquent; or

34 (2) There were unpaid code violation liens on the property; or

35 (3) The property had been declared unsafe by resolution of the
36 governing body of the city.