

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.

State of Arkansas

As Engrossed: S3/1/07 S3/7/07

86th General Assembly

A Bill

Regular Session, 2007

SENATE BILL 377

By: Senators Brown, Steele, Madison, Wilkins, *Crumbly, Baker*

By: Representatives D. Johnson, Adcock, Webb, Allen, T. Baker, Chesterfield, Davis, J. Johnson, Rainey, Overbey, *Dunn, Saunders, Wills, Blount, Cornwell, S. Dobbins, Harrelson, Hall, W. Lewellen, Hardy*

For An Act To Be Entitled

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

Subtitle

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

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

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

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

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

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

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

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

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

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

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



1 (H) For a business entity other than a partnership,
2 business entity records filed with the Arkansas Secretary of State.

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

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

10 (3) If the petitioner has knowledge of any other person who has,
11 or claims to have, interest in the lands, the petitioner shall so state, and
12 the person or persons shall be summoned as defendants in the case.
13

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

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

19 (d) Any person claiming right, title, or interest in the property may
20 file an action to set aside the decree within thirty (30) calendar days after
21 the date of the last publication, otherwise their rights shall forever be
22 barred.
23

24 SECTION 3. Arkansas Code § 18-60-510 is amended to read as follows:
25 18-60-510. Setting aside decree.

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

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

35 (1) The property was tax delinquent; or

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

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

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

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

15
16 SECTION 5. Arkansas Code § 18-60-604 is amended to read as follows:
17 18-60-604. Petition taken as confessed.

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

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

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

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

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

36 (C) Oral or written proof by one (1) or more witnesses acquainted with the

lands showing that no one is in possession claiming adverse to the petitioner.

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

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

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

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

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

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

(1) The property was tax delinquent; or

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

(3) The property had been declared unsafe by resolution of the

governing body of the city.

/s/ Brown