

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 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H3/17/09 H3/19/09

A Bill

HOUSE BILL 2071

5 By: Representative Hyde
6
7

For An Act To Be Entitled

8
9 AN ACT TO CLARIFY THAT A CONTRACT FOR THE SALE OF
10 REAL PROPERTY DOES NOT CONVEY TO THE BUYER AN
11 INTEREST IN THE MINERAL DEVELOPMENT OF THE REAL
12 PROPERTY UNTIL THE REAL PROPERTY IS CONVEYED BY
13 DEED OR UNLESS AGREED OTHERWISE IN WRITING; AND
14 FOR OTHER PURPOSES.

Subtitle

15
16 TO CLARIFY THAT A CONTRACT FOR THE SALE
17 OF REAL PROPERTY DOES NOT CONVEY AN
18 INTEREST IN THE MINERAL DEVELOPMENT OF
19 THE REAL PROPERTY UNTIL THE REAL
20 PROPERTY IS CONVEYED BY DEED OR UNLESS
21 AGREED OTHERWISE IN WRITING.
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code Title 18, Chapter 12, Subchapter 1 is
27 amended to add an additional section to read as follows:

28 18-12-107. Effect of a contract for the sale of real estate.

29 (a) A contract for the sale of real property, including without
30 limitation mineral rights, does not convey to the buyer an interest in the
31 mineral rights or mineral development of the real property:

32 (1) Until the real property is conveyed by deed to the buyer
33 upon final payment; or

34 (2) Unless the seller and the buyer agree otherwise in writing
35 and their agreement is recorded in the county where the real property is
36 located or the county where the real property is primarily located.



1 (b)(1) For a sale of real property under a contract, including without
2 limitation a sale of mineral rights, the seller's interest in the mineral
3 rights or mineral development of the real property, including without
4 limitation any right the seller may have to execute and deliver a valid oil,
5 gas, or mineral lease on the real property, shall not be affected until such
6 interest is conveyed to the buyer in accordance with subsection (a) of this
7 section.

8 (2) An oil, gas, or mineral lease executed by the seller shall
9 continue to be in effect pursuant to its terms after the conveyance to the
10 buyer.

11 (c) This act does not apply to a contract for the sale of real
12 property that was entered into before August 1, 2009.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

/s/ Hyde