

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: H3/25/09

# A Bill

HOUSE BILL 2167

5 By: Representative R. Green  
6  
7

## For An Act To Be Entitled

9 AN ACT TO AID THE ENFORCEMENT OF THE ARKANSAS  
10 TITLE INSURANCE ACT, § 23-103-401 ET SEQ.; TO  
11 PLACE TITLE INSURANCE INFORMATION UPON AN  
12 INSTRUMENT SUBMITTED FOR RECORDING; AND FOR OTHER  
13 PURPOSES.  
14

## Subtitle

15 AN ACT TO AID THE ENFORCEMENT OF THE  
16 ARKANSAS TITLE INSURANCE ACT, § 23-103-  
17 401 ET SEQ. AND TO PLACE TITLE INSURANCE  
18 INFORMATION UPON AN INSTRUMENT SUBMITTED  
19 FOR RECORDING.  
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22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 14-15-403 is amended to read as follows:  
26 14-15-403. Instruments affecting title to property.

27 (a) ~~No~~ An instrument by which the title to real estate or personal  
28 property, or any interest therein, or lien thereon, is conveyed, created,  
29 encumbered, assigned, or otherwise affected or disposed of shall not be  
30 received for record or filing by the recorder unless:

31 (1) The name and address of the person who, and the governmental  
32 agency, if any, ~~which,~~ that prepared the instrument appears on the face of  
33 the first page ~~thereof~~ of the instrument; ~~and~~

34 (2) The name is either printed, typewritten, stamped, or signed  
35 in a legible manner; and

36 (3) The license number of the title insurance agency issuing a



1 title insurance policy insuring the property interest conveyed or a statement  
2 signed under oath subject to penalty of perjury that "no title insurance  
3 policy was issued for the property interest conveyed by this instrument  
4 appears on the first page of the instrument".

5 (b) An instrument will be in compliance with this section if it  
6 contains a statement in the following form:

7 "This instrument was prepared by . . . . ., . . . . .  
8 . . . . ."

9  
10 (name) (address)

11 "Title Insurance Agency License No: . . . . ."

12  
13 or

14  
15 "No title insurance policy was issued for the property interest conveyed by  
16 this instrument."

17 (c) The receipt for record or filing of any instrument by the recorder  
18 without complying with ~~the provisions of~~ this section ~~shall~~ does not prevent  
19 the instrument from becoming notice as provided by law.

20 (d)(1) Any fee charged by the recorder for recording or filing ~~of~~ any  
21 instrument ~~which~~ that does not conform with ~~the provisions of~~ this section  
22 shall be returned by the recorder to the person who paid the fee upon  
23 request, if made within six (6) months after recording or filing of the  
24 instrument.

25 (2) If no such request is made within that time, the fee shall  
26 be paid into the county general fund by the recorder.

27 (e) This section does not apply to any instrument executed ~~prior to~~  
28 before August 1, 1959, nor to any decree, order, judgment, writ of any court,  
29 will, or death certificate.

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34 /s/ R. Green  
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