

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011

# A Bill

HOUSE BILL 1209

4  
5 By: Representative Lovell  
6 By: Senator Burnett

## For An Act To Be Entitled

9 AN ACT TO MODIFY THE REQUIREMENTS FOR RECORDATION OF  
10 A DEED; AND FOR OTHER PURPOSES.

### Subtitle

14 TO MODIFY THE REQUIREMENTS FOR  
15 RECORDATION OF A DEED.

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

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20 SECTION 1. Arkansas Code § 26-60-110 is amended to read as follows:

21 26-60-110. Recordation of deed.

22 (a) ~~It shall be the duty of the~~ A grantee or buyer of real property or  
23 his or her agent ~~to~~ shall furnish proof of payment of the real property  
24 transfer tax as provided in this chapter before the real ~~estate~~ property  
25 transfer instrument may be accepted by the county recorder ~~of deeds~~ for  
26 recordation.

27 (b)(1) The county recorder ~~of deeds~~ shall not record any real property  
28 transfer instrument evidencing a transfer of title subject to this chapter  
29 unless the consideration for the real property transfer is shown on the face  
30 of the real property transfer instrument.

31 ~~(1)(2)~~ (2) The real property transfer instrument at the time it is  
32 presented for recording shall ~~have attached thereto or be accompanied by an~~  
33 ~~affidavit in the form provided in this chapter, containing the information~~  
34 ~~required in this chapter, and~~ have documentary stamps attached to the face of  
35 the real property transfer instrument evidencing full payment of the real  
36 property transfer tax on the transaction.



1           (3) The real property transfer instrument shall contain a  
 2 notation on its face ~~which~~ that shall be recorded as part of the real  
 3 property transfer instrument that the ~~affidavit was completed; or~~  
 4 consideration listed in the real property transfer instrument accurately  
 5 states the total dollar amount paid for the real property and the value and  
 6 type of any nonmonetary consideration included in the real property transfer.

7           ~~(2)(A) In the alternative, the instrument has stamped thereon or~~  
 8 ~~attached thereto in a manner which will cause it to be recorded as a part of~~  
 9 ~~the instrument the following statement:~~

10 ~~“I certify under penalty of false swearing that the legally correct amount of~~  
 11 ~~documentary stamps have been placed on this instrument”.~~

12           ~~(B) This statement shall be signed by the grantee or his~~  
 13 ~~or her agent, and the grantee’s address shall be clearly shown on the~~  
 14 ~~instrument.~~

15           (c) The county recorder ~~of deeds~~ shall not record any real property  
 16 transfer instrument ~~whereon~~ if the documentary stamps are attached in such a  
 17 manner that the amount printed on each documentary stamp is not visible.

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