

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

HOUSE BILL 1889

5 By: Representative Ballinger
6

For An Act To Be Entitled

8 AN ACT TO PROVIDE FOR THE MARKETABILITY OF TITLE TO
9 UNRECORDED MINERAL INTERESTS; AND FOR OTHER PURPOSES.

Subtitle

12 TO PROVIDE FOR THE MARKETABILITY OF TITLE
13 TO UNRECORDED MINERAL INTERESTS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code Title 18, Chapter 12, Subchapter 6, is
20 amended to add an additional section to read as follows:

21 18-12-610. Marketability of unrecorded mineral interests.

22 (a) The title to an unrecorded mineral interest beneath the surface of
23 a surface owner's real property located within the State of Arkansas is
24 marketable if:

25 (1) The owner of the surface estate or his or her predecessor in
26 title has paid all taxes due on the surface estate for at least fifteen (15)
27 years; and

28 (2) Taxes have not been paid on the unrecorded mineral interest
29 for at least fifteen (15) years.

30 (b) For marketability of title to an unrecorded mineral interest under
31 this section to be effective, the owner of the surface estate that gains
32 marketable title shall record with the county recorder in the county in which
33 the mineral interest is located an affidavit of the owner of the surface
34 estate that states:

35 (1) The legal description and parcel number for each surface
36 estate on or under which the mineral interest is located;



1 (2) The length of time the owner of the surface estate or his or
2 her predecessor in title has paid the taxes due on the surface estate; and

3 (3) That taxes have not been paid on the unrecorded mineral
4 interest for at least fifteen (15) years.

5 (c) This section does not preclude a judicial action to quiet the
6 title to mineral interests located within this state before the time that the
7 title to the mineral interest is considered marketable under subsection (a)
8 of this section.

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