

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

A Bill

SENATE BILL 1137

5 By: Senator R. Thompson
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For An Act To Be Entitled

8 AN ACT TO REGULATE DOCUMENTS CONCERNING REAL
9 PROPERTY; TO ALLOW SCRIVENER'S AFFIDAVITS TO CORRECT
10 ERRORS IN INSTRUMENTS AFFECTING REAL PROPERTY; AND
11 FOR OTHER PURPOSES.
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Subtitle

14 TO REGULATE DOCUMENTS CONCERNING REAL
15 PROPERTY; TO ALLOW SCRIVENER'S AFFIDAVITS
16 TO CORRECT ERRORS IN INSTRUMENTS
17 AFFECTING REAL PROPERTY.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code Title 18, Chapter 12, Subchapter 1, is
24 amended to add an additional section to read as follows:

25 18-12-108. Scrivener's affidavits – Definition.

26 (a) As used in this section, "scrivener's affidavit" means a sworn and
27 acknowledged affidavit relating to:

28 (1) The identification, marital status, heirship, relation,
29 death, or the time of death of a person who is a party to an instrument
30 affecting the title to real property;

31 (2) The identification of a corporation or other legal entity
32 that is a party to an instrument affecting the title to real property; or

33 (3) The legal description to real property.

34 (b) A scrivener's affidavit shall:

35 (1) Be prepared by an attorney licensed to practice law in the
36 State of Arkansas whose law firm prepared the original instrument or who



1 represents a party to the original instrument;

2 (2) Be sworn to and acknowledged before a person authorized to
3 administer an oath under the laws of this state; and

4 (3) Conspicuously identify in its title that it is a
5 "Scrivener's Affidavit".

6 (c) A scrivener's affidavit that complies with subsection (b) of this
7 section shall be:

8 (1) Recorded by the county recorder in the land records of the
9 county where the real property is located;

10 (2) Indexed by the county recorder in the general index under
11 the names of the original parties to the instrument as they are identified in
12 the scrivener's affidavit;

13 (3) Admissible as evidence in an action involving the instrument
14 to which it relates or the title to the real property affected by the
15 instrument; and

16 (4) Prima facie evidence of the facts stated in the scrivener's
17 affidavit and the marketability of the title to real property.

18 (d)(1) Except as provided in subdivision (d)(2) of this section,
19 notice of the corrective information provided by the scrivener's affidavit is
20 effective at the time the scrivener's affidavit is recorded.

21 (2) If an error contained in a scrivener's affidavit is of an
22 obvious nature, notice of the corrective information provided by the
23 scrivener's affidavit is effective at the time the original instrument being
24 corrected was recorded.

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