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4

As Engrossed: S3/21/13 H4/3/13

A Bill

SENATE BILL 297

5 By: Senator J. Dismang
6

For An Act To Be Entitled

8 AN ACT TO AID THE ADMINISTRATION, SALE, AND
9 CONVEYANCE OF TAX-DELINQUENT LANDS; AND FOR OTHER
10 PURPOSES.
11
12

Subtitle

14 TO AID THE ADMINISTRATION, SALE, AND
15 CONVEYANCE OF TAX-DELINQUENT LANDS.
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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 § 26-37-201(b)(5), concerning the publication*
21 *of notice for selling tax-delinquent lands, is amended to read as follows:*

22 *(5) Indicate that the land will be sold to the highest*
23 *successful bidder if the bid is equal to at least the ~~assessed value of the~~*
24 *~~land as certified to the Commissioner of State Lands~~ amount of delinquent*
25 *taxes, penalties, interest, and the costs of the sale.*
26

27 *SECTION 2. Arkansas Code § 26-37-201(c), concerning procedures for*
28 *selling tax-delinquent lands, is amended to read as follows:*

29 *(c) The ~~highest~~ successful bidder shall pay all taxes, interest,*
30 *penalties, and other costs.*
31

32 SECTION 3. Arkansas Code § 26-37-202 is amended to read as follows:

33 26-37-202. Procedure to sell.

34 (a)(1) Bidders may bid at the sale or mail their bid to the office of
35 the Commissioner of State Lands.

36 (2) Bids shall be delivered at the appropriate place before the



1 deadline established in the notice of the sale.

2 ~~(b)(1) If no one bids at least the assessed value, the Commissioner of~~
3 ~~State Lands may negotiate a sale. All negotiated sales shall have approval of~~
4 ~~the Attorney General~~ If at the scheduled public sale a person or entity does
5 not bid at least the amount of delinquent taxes, penalties, interest, and the
6 costs of the sale, the Commissioner of State Lands may negotiate a private
7 sale.

8 (2)(A) Except as provided in subdivision (b)(2)(B) of this
9 section, a negotiated private sale shall be approved by the Attorney General
10 before conveyance of the land by the Commissioner of State Lands.

11 (B) A negotiated private sale that occurs later than two
12 (2) years after the scheduled public sales does not require approval by the
13 Attorney General.

14 ~~(c)(1) The~~ Except as provided in subdivision (c)(2) of this section,
15 the Commissioner of State Lands shall conduct tax-delinquent sales in the
16 county ~~wherein~~ where the land is located~~†.~~

17 ~~(2) unless~~ If the Commissioner of State Lands determines that
18 ~~there are not enough~~ sufficient parcels of land located in one (1) county do
19 not exist to justify a single sale in one (1) county ~~only.~~ ~~In that case,~~ the
20 Commissioner of State Lands may hold a tax-delinquent land sale in one (1)
21 location and ~~thereat~~ sell the land located in more than one (1) county if the
22 counties ~~wherein the lands are located~~ are adjoining counties.

23 (d) The sales shall be conducted on the dates specified in the notices
24 required by this subchapter.

25 (e)(1) After a sale of the land by the Commissioner of State Lands,
26 including a negotiated sale, the Commissioner of State Lands shall notify the
27 owner and all interested parties of the right to redeem the land within
28 ~~thirty (30)~~ ten (10) days excluding Saturdays, Sundays, and legal holidays,
29 after the date of the sale by paying all taxes, penalties, interest, and
30 costs due, including the cost of the notice.

31 (2) The notice under subdivision (e)(1) of this section shall be
32 sent by regular mail to the last known address of the owner and all
33 interested parties.

34 (3) If the land is not redeemed, a limited warranty deed ~~will~~
35 shall be issued by the Commissioner of State Lands to the purchaser.

36 (f) As used in this section, "interested party" has the same meaning

1 *as in § 26-37-301.*

2 SECTION 4. Arkansas Code § 26-37-203 is amended to read as follows:

3 26-37-203. Conveyance to purchaser -- Contest.

4 (a) If the tax-delinquent land is ~~not redeemed within the thirty-day~~
5 ~~period under § 26-27-202 sold,~~ the Commissioner of State Lands shall convey
6 the tax-delinquent land by issuing a limited warranty deed to the land.

7 (b)(1) Except as provided in ~~subdivisions~~ subdivision (b)(2) ~~and (3)~~
8 of this section, an action to contest the validity of a conveyance under this
9 section or a negotiated sale under § 26-37-101 is barred if not commenced
10 within ~~one (1) year~~ ninety (90) days after the date of the conveyance.

11 (2) A cause of action by a person suffering a mental incapacity,
12 a minor, or a person serving in the United States armed forces during time of
13 war during the one-year period under subdivision (b)(1) of this section is
14 barred if not commenced within two (2) years after the disability is removed,
15 the minor reaches majority, or the person is released from active duty during
16 time of war with the United States armed forces.

17 ~~(3) An action to challenge the validity of a conveyance to a~~
18 ~~purchase of land that was sold at a negotiated sale under § 26-27-101 is~~
19 ~~barred if not commenced within ninety (90) days after the date of the~~
20 ~~conveyance.~~

21 (c) A deed issued after January 1, 1987, by the Commissioner of State
22 Lands is not void or voidable on the ground that the county did not strictly
23 comply with the laws governing tax-delinquent land.

24 (d) This section does not prevent a taxpayer from contesting the
25 validity of a deed issued by the Commissioner of State Lands on the ground
26 that taxes have actually been paid.

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28 SECTION 5. Arkansas Code § 26-38-202 is amended to read as follows:

29 26-38-202. Complaint.

30 (a) The Commissioner of State Lands on behalf of the State of Arkansas
31 or the purchaser, donee, or redeмпtor of the real property from the state, or
32 the grantees of a purchaser, donee, or redeмпtor of the real property from
33 the state, shall file in the office of the clerk of the circuit court of the
34 county in which the forfeited real property is situated a complaint
35 requesting that title be quieted and confirmed to the real property described
36 in the complaint.

1 (b)(1) ~~The plaintiff~~ If the Commissioner of State Lands is the
2 plaintiff, the commissioner shall attach to the complaint a his or her
3 certified list ~~from the Commissioner of State Lands~~ describing the real
4 property and containing the years and the amounts for which the real property
5 was forfeited.

6 (2) A purchaser, donee, or redemptor of real property from the
7 state, or the grantee of a purchaser, donee, or redemptor of the real
8 property from the state, shall attach to the complaint a copy of the limited
9 warranty deed or other documentation evidencing the transfer of the real
10 property from the state to the purchaser, donee, or redemptor, or the grantee
11 of a purchaser, donee, or redemptor of the real property from the state.

12 (c) The complaint may include as many parcels of real property as the
13 Commissioner of State Lands or the purchaser, donee, or redemptor of real
14 property from the state, or the grantee of a purchaser, donee, or redemptor
15 of the real property from the state, deems proper, so long as all parcels lie
16 within the county.

17 (d)(1) The certified list is all the proof that is required to show
18 prima facie title in the state.

19 (2) A limited warranty deed or a donation deed is all the proof
20 that is required to show prima facie title in a purchaser, donee, or
21 redemptor, or the grantee of a purchaser, donee, or redemptor, of the real
22 property from the state.

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24 /s/J. Dismang
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