

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

# A Bill

HOUSE BILL 1053

5 By: Representative C. Fite  
6 By: Senator Rice  
7

## For An Act To Be Entitled

8  
9 AN ACT CONCERNING MORTGAGE ASSIGNMENTS AND MORTGAGE  
10 RELEASES; AND FOR OTHER PURPOSES.  
11

## Subtitle

12  
13 CONCERNING MORTGAGE ASSIGNMENTS AND  
14 MORTGAGE RELEASES.  
15  
16  
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

20 SECTION 1. Arkansas Code § 14-15-402(a), concerning instruments to be  
21 recorded in the office of the circuit clerk, is amended to read as follows:

22 (a) It ~~shall be~~ is the duty of each recorder to record in the books  
23 provided for his or her office all deeds, mortgages, conveyances, deeds of  
24 trust, bonds, covenants, defeasances, affidavits, powers of attorney,  
25 assignments, releases, contracts, agreements, leases, or other instruments of  
26 writing of or writing concerning any lands and tenements or goods and  
27 chattels, which shall be proved or acknowledged according to law, that are  
28 authorized to be recorded in his or her office.  
29

30 SECTION 2. Arkansas Code § 18-40-101 is amended to read as follows:  
31 18-40-101. Proof or acknowledgment – Recording.

32 (a) All mortgages, mortgage assignments, and mortgage releases of real  
33 estate shall be proven or acknowledged in the same manner that deeds for the  
34 conveyance of real estate are required by law to be proven or acknowledged.

35 (b) When so proven or acknowledged they shall be recorded in the  
36 counties in which the lands lie.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

SECTION 3. Arkansas Code § 18-40-102 is amended to read as follows:  
18-40-102. Lien attaches when recorded.

(a) ~~Every~~ A mortgage and mortgage assignment of real estate shall be a lien on the mortgaged property from the time it is filed in the recorder's office for record, and not before.

(b) The filing ~~shall be~~ is notice to all persons of the existence of the mortgage.

SECTION 4. Arkansas Code Title 18, Chapter 40, Subchapter 1, is amended to add an additional section to read as follows:

18-40-111. Duty to provide satisfaction of mortgage for recording.

(a) A duty to provide a document for recording evidencing satisfaction of a mortgage rests with the party recorded as the mortgage holder.

(b) The duty may be satisfied by providing a recordable instrument:

(1) Signed and acknowledged by the mortgage holder;

(2) Signed and acknowledged by a party recorded as the servicer of the mortgage; or

(3) Signed and acknowledged by an agent for the mortgage holder and a document establishing the agent's authority signed and acknowledged by the mortgage holder.

SECTION 5. Arkansas Code § 21-6-306(a), concerning recorder fees, is amended to read as follows:

(a)(1) The uniform fees to be charged by the recorders in the various counties in this state ~~shall be~~ are as follows:

(A) For recording deeds, deeds of trust, mortgages, mortgage assignments, release deeds, powers of attorney, plats, survey plats, notary bonds, foreign judgments, materialman's liens, and other recordable instruments, except as otherwise prescribed in this section, fifteen dollars (\$15.00) for one (1) page, one (1) side only, and five dollars (\$5.00) for each additional page;

(B) For recording mortgage assignments and mortgage releases ninety (90) days after execution, an additional fee of one hundred dollars (\$100) per instrument;

~~(B)(C)~~ (C) For recording mortgage assignments, mortgage

1 releases, and other instruments when multiple instruments are listed in a  
2 single document, an additional fee of fifteen dollars (\$15.00) per instrument  
3 listed not to exceed three hundred dollars (\$300) shall be charged; and  
4 ~~(C)~~(D) Eight dollars (\$8.00) for filing or recording a  
5 certificate of assessment or any other instrument not specified in this  
6 subsection.

7 (2) If the recorder waives the requirements of § 14-15-402(b)(1)  
8 for good cause, the instrument may be recorded for an additional fee of  
9 twenty-five dollars (\$25.00).

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36