

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1145

5 By: Representative C. Douglas
6 By: Senator G. Stubblefield
7

For An Act To Be Entitled

9 AN ACT TO RESTRICT A JOINT TENANT'S ABILITY TO SEVER
10 A JOINT TENANCY WITH RIGHT OF SURVIVORSHIP IN REAL
11 PROPERTY; TO DECLARE AN EMERGENCY; AND FOR OTHER
12 PURPOSES.
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Subtitle

15 TO RESTRICT A JOINT TENANT'S ABILITY TO
16 SEVER A JOINT TENANCY WITH RIGHT OF
17 SURVIVORSHIP IN REAL PROPERTY; AND TO
18 DECLARE AN EMERGENCY.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 18-12-106, concerning joint tenants with
25 right of survivorship, is amended to add an additional subsection to read as
26 follows:

27 (d) A severance of a joint tenancy with right of survivorship by a
28 joint tenant shall be effective only if:

29 (1) The instrument of severance is recorded in the office of the
30 county recorder of the county in which the real property is located prior to
31 the death of the severing joint tenant;

32 (2) The instrument of severance is executed by all of the joint
33 tenants;

34 (3) The severance is ordered by a court of competent
35 jurisdiction; or

36 (4) A severance is effected pursuant to the bankruptcy of a



1 joint tenant.

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 3 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
 4 General Assembly of the State of Arkansas that the common law allowing a
 5 joint tenant to sever a joint tenancy with right of survivorship by conveying
 6 his or her interest without the consent or knowledge of other joint tenants
 7 is detrimental to the financial and emotional wellbeing of the other joint
 8 tenants; and that this act is immediately necessary because joint tenancies
 9 with rights of survivorship are severed every day without the consent or
 10 knowledge of the joint tenants that rely on the right of survivorship.
 11 Therefore, an emergency is declared to exist, and this act being immediately
 12 necessary for the preservation of the public peace, health, and safety shall
 13 become effective on:

14 (1) The date of its approval by the Governor;

15 (2) If the bill is neither approved nor vetoed by the Governor,
 16 the expiration of the period of time during which the Governor may veto the
 17 bill; or

18 (3) If the bill is vetoed by the Governor and the veto is
 19 overridden, the date the last house overrides the veto.