1	State of Arkansas	As Engrossed: H2/17/17	
2	91st General Assembly	A Bill	
3	Regular Session, 2017		HOUSE BILL 1382
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5	By: Representative Gazaway		
6			
7		For An Act To Be Entitled	
8	AN ACT TO AMEND THE LAW CONCERNING THE COLLECTION OF		
9	A SMALL ESTATE BY A DISTRIBUTEE; TO ESTABLISH		
10	PROCEDURES TO BE FOLLOWED AFTER A CLAIM IS FILED		
11	AGAINST A SMALL ESTATE; AND FOR OTHER PURPOSES.		
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14		Subtitle	
15	TO AMEND THE LAW CONCERNING THE		
16	COLLECTION OF A SMALL ESTATE BY A		
17	DISTRIBUTEE; AND TO ESTABLISH PROCEDURES		
18	TO BE FOLLOWED AFTER A CLAIM IS FILED		
19	AGA	INST A SMALL ESTATE.	
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21			
22	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF	ARKANSAS:
23			
24	SECTION 1. Ark	cansas Code § 28-41-102(d), concer	rning the requirements
25	of a distributee after an affidavit is filed and notice published, is amended		
26	to read as follows:		
27	(d) After fili	ing the affidavit and publishing t	the notice required by
28	<u>If the distributee wh</u>	no is entitled to the transfer or	delivery of real
29	property complies wit	th the affidavit and notice requir	rements under § 28-41-
30	101, the three-month period required under § 28-41-101 lapses, and a claim is		
31	not filed against the estate or all claims filed against the estate are		
32	satisfied, then the distributee entitled to the transfer or delivery of real		
33	<del>property</del> shall:		
34	(1) Be a	authorized to issue to himself or	herself a deed of
35	distribution for the real property of the decedent as if made by a personal		
36	representative of the decedent; and		

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1	(2) Deliver notice of the transfer of ownership to the county		
2	assessor of each county where the real property is located.		
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4	SECTION 2. Arkansas Code § 28-41-102, concerning payment, transfers,		
5	or deliveries pursuant to an affidavit for the collection of a small estate,		
6	is amended to add an additional subsection to read as follows:		
7	(e)(1) If a claim against an estate is presented to the distributee of		
8	the estate within three (3) months from the date of the first publication of		
9	the notice required under § 28-41-101, then the distributee shall file a		
10	petition for the administration of the estate in accordance with § 28-40-101		
11	et seq.		
12	(2)(A) A distributee is not required to comply with subdivision		
13	(e)(1) of this section if the claim against the estate is satisfied with		
14	funds from outside of the estate.		
15	(B) If a claim against the estate is satisfied in the		
16	manner described under subdivision (e)(2)(A) of this section, the claimant		
17	shall file an acknowledgement of the satisfied claim.		
18	(3)(A) If a petition for the administration of an estate is		
19	filed as required under subdivision (e)(1) of this section, then a new notice		
20	shall be published in accordance with § 28-40-111.		
21	(B) The publication of notice filed by a distributee in		
22	accordance with § 28-41-101 is insufficient notice with regard to a petition		
23	for the administration of an estate filed as required under this subsection.		
24	(4)(A) The distributee shall pay a new filing fee when a		
25	petition for the administration of an estate is filed as required under this		
26	subsection.		
27	(B) A distributee is not entitled to a credit or refund of		
28	the fee paid to file the affidavit of small estate required under § 28-41-		
29	<u>101.</u>		
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33	/s/Gazaway		
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