

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

A Bill

SENATE BILL 491

5 By: Senator Maloch
6 By: Representative Tucker
7

For An Act To Be Entitled

9 AN ACT TO CLARIFY THE LAW CONCERNING THE COLLECTION
10 OF A SMALL ESTATE BY A DISTRIBUTE; TO CLARIFY THE
11 VALUE OF PROPERTY FOR THE PURPOSE OF COLLECTING A
12 SMALL ESTATE; AND FOR OTHER PURPOSES.
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Subtitle

15 TO CLARIFY THE LAW CONCERNING THE
16 COLLECTION OF A SMALL ESTATE BY A
17 DISTRIBUTE; AND TO CLARIFY THE VALUE OF
18 PROPERTY FOR THE PURPOSE OF COLLECTING A
19 SMALL ESTATE.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 28-41-101(a), concerning the collection of a
26 small estate by a distributee, is amended to read as follows:

27 (a) The distributee of an estate ~~shall be entitled thereto~~ may collect
28 and distribute the assets of an estate under this section without the
29 appointment of a personal representative when:

30 (1) No petition for the appointment of a personal representative
31 is pending or has been granted;

32 (2) Forty-five (45) days have elapsed since the death of the
33 decedent;

34 (3) (A) The value, less encumbrances, of all property owned by
35 the decedent at the time of death, ~~excluding the homestead of and the~~
36 ~~statutory allowances for the benefit of a spouse or minor children, if any,~~



1 ~~of the decedent,~~ does not exceed ~~one hundred thousand~~ two hundred fifty
2 thousand dollars ~~(\$100,000)~~ (\$250,000).

3 (B) When calculating the value of all property owned by
4 the decedent under subdivision (a)(3) of this section, the value of the
5 decedent's homestead and the value of any statutory allowances for the
6 benefit of a spouse or minor children, if any, shall be excluded;

7 (4) ~~There shall be filed~~ One (1) or more of the distributees
8 files an affidavit with the probate clerk of the circuit court of the county
9 of proper venue for administration ~~an affidavit of one (1) or more of the~~
10 ~~distributees setting forth~~ stating:

11 (A) That there are no unpaid claims or demands against the
12 decedent or his or her estate, that the Department of Human Services
13 furnished no federal or state benefits to the decedent, or, that if such
14 benefits have been furnished, the department has been reimbursed in
15 accordance with state and federal laws and regulations;

16 (B) An itemized description and valuation of the personal
17 property and a legal description and valuation of any real property of the
18 decedent, including the homestead;

19 (C) The names and addresses of persons having possession
20 of the personal property and the names and addresses of any persons
21 possessing or residing on any real property of the decedent; and

22 (D) The names, addresses, and relationship to the decedent
23 of the persons entitled to and who will receive the property; and

24 (5) ~~There is furnished~~ A copy of the affidavit certified by the
25 clerk is furnished to any person owing any money, having custody of any
26 property, or acting as registrar or transfer agent of any evidence of
27 interest, indebtedness, property, or right, ~~a copy of the affidavit certified~~
28 ~~by the clerk.~~

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