

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025  
4

# A Bill

HOUSE BILL 1238

5 By: Representative Cavanaugh  
6 By: Senator D. Sullivan  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING STATUTORY  
10 FORECLOSURES; TO AUTHORIZE A MORTGAGOR TO RECOVER  
11 FEES IN CERTAIN CIRCUMSTANCES; AND FOR OTHER  
12 PURPOSES.  
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## Subtitle

15 TO AUTHORIZE A MORTGAGOR TO RECOVER FEES  
16 IN CERTAIN CIRCUMSTANCES UNDER THE  
17 STATUTORY FORECLOSURE LAW.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code Title 18, Chapter 50, Subchapter 1, is  
23 amended to add an additional section to read as follows:

24 18-50-118. Recovery of fees.

25 (a) A mortgagor may recover attorney's fees under this subchapter if  
26 he or she is successful in setting aside the statutory foreclosure sale due  
27 to a defect in the process.

28 (b) A mortgagor shall not be awarded attorney's fees under subsection  
29 (a) of this section if the mortgagor halts the statutory foreclosure due only  
30 to paying the debt owed.  
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