

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1037 of the Regular Session

As Engrossed: S3/1/07 S3/7/07 H3/28/07

A Bill

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

SENATE BILL 377

4
5 By: Senators Brown, Steele, Madison, Wilkins, *Crumbly, Baker*
6 By: Representatives D. Johnson, Adcock, Webb, Allen, T. Baker, Chesterfield, Davis, J. Johnson,
7 Rainey, Overbey, *Dunn, Saunders, Wills, Blount, Cornwell, S. Dobbins, Harrelson, Hall, W. Lewellen,*
8 *Hardy*

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11 **For An Act To Be Entitled**

12 AN ACT TO AMEND VARIOUS QUIET TITLE STATUTES; AND
13 FOR OTHER PURPOSES.

14
15 **Subtitle**

16 AN ACT TO AMEND VARIOUS QUIET TITLE
17 STATUTES; AND FOR OTHER PURPOSES.

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

21
22 SECTION 1. Arkansas Code § 18-60-502(b) is amended to read as follows:

23 (b)(1) The petitioner shall initiate a search of the following records
24 in order to identify persons entitled to notice and shall provide notice
25 pursuant to subdivision (b)(2) of this section:

26 (A) Land title records in the office of the county
27 recorder;

28 (B) Tax records in the office of the county collector;

29 (C) Tax records in the office of the county treasurer;

30 (D) Tax records in the office of the county assessor;

31 (E) For an individual, records of the probate court for the
32 county in which the property is located;

33 (F) For an individual, voter registration records
34 maintained by the Arkansas Secretary of State;

35 (G) For a partnership, partnership records filed with the



1 county clerk; and

2 (H) For a business entity other than a partnership,
3 business entity records filed with the Arkansas Secretary of State.

4 (2)(A) Petitioner shall send notice by certified mail to the
5 last known address in duplicate, with one copy addressed by name to the
6 person entitled to notice and the other copy addressed to "occupant", and if
7 the certified mail is returned undelivered, the petitioner shall send a
8 second notice by regular mail.

9 (B) Petitioner shall post a notice of the pending quiet
10 title action conspicuously on the property.

11 (3) If the petitioner has knowledge of any other person who has,
12 or claims to have, interest in the lands, the petitioner shall so state, and
13 the person or persons shall be summoned as defendants in the case.

14
15 SECTION 2. Arkansas Code § 18-60-602(b) is amended to read as follows:

16 (b) The petitioner, if he or she is acquainted with the lands, shall
17 file with his or her petition his or her affidavit, or the affidavit of some
18 person who is acquainted with the lands, showing that there is no person in
19 actual possession of the lands claiming title adverse to the petitioner,
20 ~~copies of the tax receipt showing payment of the taxes for the three (3)~~
21 ~~years next preceding the publication of the notice to confirm~~ proof that
22 taxes owed on the lands were either paid, settled, or released shall be filed
23 with the petition, and, in the case of levee or drainage improvement
24 districts, ~~copies of tax receipts showing~~ proof of payment, settlement, or
25 release of all delinquent taxes.

26
27 SECTION 3. Arkansas Code § 18-60-604 is amended to read as follows:

28 18-60-604. Petition taken as confessed.
29 If the deed or deeds are in proper legal form and properly executed, if ~~the~~
30 ~~tax receipts show~~ there is proof showing payment, settlement, or release of
31 the taxes, and if the evidence shows that no one is in possession adverse to
32 the petitioner, then, in case no one has appeared to show cause against the
33 prayer of the petitioner, the petition shall be taken as confessed and the
34 court shall render final decrees confirming the sale in question.

35
36 SECTION 4. Arkansas Code § 18-60-606(a)(1) is amended to read as

1 follows:

2 (a)(1) On the trial of the cause, the petitioner shall exhibit to the
3 court ~~the tax receipts showing the payment of the taxes for at least three~~
4 ~~(3) successive years~~ proof that taxes owed on the lands were either paid,
5 settled, or released and, in the case of lands acquired from levee and
6 drainage improvement districts:

7 (A) All delinquent taxes that have been ~~due~~ paid, settled,
8 or released;

9 (B) The deed or deeds under which he or she claims title,
10 or the record thereof, or a certified copy or copies from the record; and

11 (C) Oral or written proof by one (1) or more witnesses acquainted with the
12 lands showing that no one is in possession claiming adverse to the
13 petitioner.

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15 SECTION 5. Arkansas Code § 18-60-607 is amended to read as follows:
16 18-60-607. Confirmation of sale.

17 (a) There should be no confirmation of the sale of any lands that are
18 in actual possession of any person claiming title adverse to the petitioner,
19 nor shall there be any confirmation of the sale of lands unless the
20 petitioner, or his or her grantor or those under whom he or she claims title,
21 ~~has paid the taxes on the lands for at least two (2) years after the~~
22 ~~expiration of the right of redemption, the payment of taxes to be three (3)~~
23 ~~consecutive years immediately prior to the application to confirm~~ submits
24 proof that all taxes owed on the lands have been paid, settled, or released.

25 (b) With respect to land in levee and drainage improvement districts,
26 there shall be no confirmation of sale unless title has been acquired as
27 referred to in § 18-60-601, nor unless the petitioner, or his or her grantor
28 or grantors, exhibit proof of payment, settlement, or release of all taxes
29 that are due against the lands in the districts at the time of the rendition
30 of the decree of confirmation by the court.

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32 /s/ Brown

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34 APPROVED: 4/4/2007

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