

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.

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

A Bill

HOUSE BILL 2741

4
5 By: Representatives Breedlove, Hoyt, Walters, Wells

For An Act To Be Entitled

9 AN ACT TO QUIET TITLE IN ABANDONED MINERAL
10 INTERESTS IN THE SURFACE ESTATE OWNER; AND FOR
11 OTHER PURPOSES.

Subtitle

14 TO QUIET TITLE IN ABANDONED MINERAL
15 INTERESTS IN THE SURFACE ESTATE OWNER.

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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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20 SECTION 1. Arkansas Code Title 18, Chapter 60, is amended to add an
21 additional subchapter to read as follows:

22 18-60-1001. Quiet title action to merge surface estate and mineral
23 estate.

24 Any person or entity who owns the surface estate to land that has a
25 severed mineral estate recorded with a separate owner than the surface estate
26 may have the person or entity's title to the surface estate merged into the
27 severed mineral estate confirmed and quieted by proceeding in the manner
28 provided in this subchapter.

29 18-60-1002. Petition.

30 (a) A person or entity that seeks to merge its title to the surface
31 estate with a severed mineral estate shall file in the office of the clerk of
32 the circuit court of the county in which the surface estate is situated a
33 petition that includes:

34 (1) A description of the surface estate and the severed
35 mineral estate that is the cause of the action;

36 (2) Evidence that the petitioner has owned title to the



1 surface estate continuously for more than seven (7) years;

2 (3) Evidence that the petitioner has continuously paid the
 3 taxes on the surface estate for the alleged seven (7) years of continuous
 4 ownership; and

5 (4) Facts that show a prima facie right and title to the
 6 severed mineral estate in the petitioner and that there is no adverse owner
 7 to the severed mineral estate or that no owner of record to the severed
 8 mineral estate can be located.

9 (5) The petition under this section shall describe the
 10 surface estate and summon all persons or entities that claim any interest in
 11 the severed mineral estate to appear in the circuit court and show cause why
 12 the title of the owner of the surface estate should not be merged with the
 13 severed mineral estate and why the petition to quiet title under this section
 14 should not be granted.

15 (b)(1) If the petitioner has knowledge of any other person who has, or
 16 claims to have, interest in the severed mineral estate, the petition under
 17 this section shall state this fact, and the named person or entity shall be
 18 summoned as defendants in the case.

19 (2) If the petitioner makes a reasonable effort to discover the
 20 owner of record of the severed mineral estate and no owner of record of the
 21 severed mineral estate is located, the court may, upon a determination that
 22 the petitioner has made reasonable effort to discover the owner of record of
 23 the severed mineral estate, merge the surface estate into the severed mineral
 24 estate through a declaration of quiet title.

25 (3) The circuit court has the authority under the petition under
 26 this section to find apparent existing liens on the severed mineral estate to
 27 be barred by the laws of limitation or laches and decree the cancellation of
 28 the liens of record.

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 30 18-60-1003. Notice and service of process.

31 (a) Upon the filing of the petition under § 18-60-1002, the petitioner
 32 shall cause to be published in a newspaper having the largest circulation in
 33 the county a notice of the filing of the petition on the same day of each
 34 week, for four (4) consecutive weeks.

35 (b) The notice under this section shall contain the description of the
 36 surface estate and the severed mineral estate, list the owner of record of

1 the severed mineral estate, and state the facts of the petition under § 18-
2 60-1002.

3 (c) The owner of record of the severed mineral estate shall be served
4 with a copy of the petition and a summons in accordance with Rule 4 of the
5 Arkansas Rules of Civil Procedure.

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