

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

A Bill

SENATE BILL 404

5 By: Senator J. Boyd
6 By: Representative John Carr
7

For An Act To Be Entitled

8
9 AN ACT TO REQUIRE NOTIFICATION TO THE DEPARTMENT OF
10 FINANCE AND ADMINISTRATION OF THE PROBATE OF AN
11 ESTATE IF THE DEPARTMENT OF FINANCE AND
12 ADMINISTRATION HAS FILED A CERTIFICATE OF
13 INDEBTEDNESS AGAINST THE DECEDENT; AND FOR OTHER
14 PURPOSES.
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Subtitle

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18 TO REQUIRE NOTIFICATION TO THE
19 DEPARTMENT OF FINANCE AND ADMINISTRATION
20 OF THE PROBATE OF AN ESTATE IF THE
21 DEPARTMENT OF FINANCE AND ADMINISTRATION
22 HAS FILED A CERTIFICATE OF INDEBTEDNESS
23 AGAINST THE DECEDENT.
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 28-40-111(a)(4), concerning notice of the
28 probate of an estate to creditors, is amended to read as follows:

29 (4)(A) Within one (1) month after the first publication of the
30 notice, a copy of the notice shall also be served in accordance with § 28-1-
31 112(b)(1), § 28-1-112(b)(2), or § 28-1-112(b)(3) upon each heir and devisee
32 whose name and address are known and upon all unpaid creditors whose names,
33 status as creditors, and addresses are known to or reasonably ascertainable
34 by the personal representative, including ~~the~~:

35 (i) The Department of Human Services if it is known
36 or could reasonably be ascertained that the ~~department~~ Department of Human



1 Services has rendered services to the decedent, ~~in accordance with § 28-1-~~
2 ~~112(b)(1), § 28-1-112(b)(2), or § 28-1-112(b)(3);~~ and

3 (ii) The Department of Finance and Administration if
4 the Department of Finance and Administration has filed a certificate of
5 indebtedness against the decedent under § 26-18-701 in the county in which
6 the probate action was filed or as otherwise provided in § 26-18-701.

7 (B)(i) ~~Notice to the department~~ The notice required under
8 subdivision (a)(4)(A)(i) of this section shall be served upon the Office of
9 Chief Counsel, Decedent's Estates, P.O. Box 1437, Little Rock, AR 72203.

10 (ii) ~~A copy of the petition for probate of a will or~~
11 ~~administration of an estate and the decedent's social security number shall~~
12 ~~be attached to the notice served upon the department~~ The notice required
13 under subdivision (a)(4)(A)(ii) of this section shall be served upon the
14 Garnishment Section, Probate Division, P.O. Box 1369, Suite 1450, Little
15 Rock, AR 72203.

16 (iii) Notice served under subdivision (a)(4)(B) of
17 this section shall include a copy of the petition for probate of a will or
18 administration of an estate and the decedent's Social Security number.

19 (C)(i) If, thereafter, the names and addresses of any such
20 creditors are ascertained, a copy of the notice shall be promptly served upon
21 them.

22 (ii) The burden of proof on any issue as to whether
23 a creditor was known to or reasonably ascertainable by the personal
24 representative shall be upon the creditor claiming entitlement to such actual
25 notice.

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