

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

SENATE BILL 297

5 By: Senator J. Dismang
6

For An Act To Be Entitled

8 AN ACT TO AID THE ADMINISTRATION, SALE, AND
9 CONVEYANCE OF TAX-DELINQUENT LANDS; AND FOR OTHER
10 PURPOSES.
11

Subtitle

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14 TO AID THE ADMINISTRATION, SALE, AND
15 CONVEYANCE OF TAX-DELINQUENT LANDS.
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17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 26-37-202 is amended to read as follows:

21 26-37-202. Procedure to sell.

22 (a)(1) Bidders may bid at the sale or mail their bid to the office of
23 the Commissioner of State Lands.

24 (2) Bids shall be delivered at the appropriate place before the
25 deadline established in the notice of the sale.

26 (b)(1) If no one bids at least the ~~assessed value~~ amount of delinquent
27 taxes, penalties, interest, and the costs of the sale, the Commissioner of
28 State Lands may negotiate a sale.

29 (2) All negotiated sales ~~shall have the approval~~ within two (2)
30 years of the sale shall be approved by the Attorney General.

31 (c)(1) ~~The~~ Except as provided in subdivision (c)(2) of this section,
32 the Commissioner of State Lands shall conduct tax-delinquent sales in the
33 county ~~wherein~~ where the land is located~~†~~.

34 (2) ~~unless~~ If the Commissioner of State Lands determines that
35 ~~there are not enough~~ sufficient parcels of land located in one (1) county do
36 not exist to justify a single sale in one (1) county ~~only~~. ~~In that case, the~~



1 Commissioner of State Lands may hold a tax-delinquent land sale in one (1)
 2 location and ~~thereat~~ sell the land located in more than one (1) county if the
 3 counties ~~wherein the lands are located~~ are adjoining counties.

4 (d) The sales shall be conducted on the dates specified in the notices
 5 required by this subchapter.

6 ~~(e)(1) After a sale of the land by the Commissioner of State Lands,~~
 7 ~~including a negotiated sale, the Commissioner of State Lands shall notify the~~
 8 ~~owner and all interested parties of the right to redeem the land within~~
 9 ~~thirty (30) days after the date of the sale paying all taxes, penalties,~~
 10 ~~interest, and costs due, including the cost of the notice.~~

11 ~~(2) The notice under subdivision (e)(1) of this section shall be~~
 12 ~~sent by regular mail to the last known address of the owner and all~~
 13 ~~interested parties.~~

14 ~~(3) If the land is not redeemed, a limited warranty deed will be~~
 15 ~~issued by the Commissioner of State Lands to the purchaser.~~

16 ~~(f) As used in this section, "interested party" has the same meaning~~
 17 ~~as in § 26-37-301.~~

18
 19 SECTION 2. Arkansas Code § 26-37-203 is amended to read as follows:
 20 26-37-203. Conveyance to purchaser -- Contest.

21 (a) If the tax-delinquent land is ~~not redeemed within the thirty day~~
 22 ~~period under § 26-27-202 sold,~~ the Commissioner of State Lands shall convey
 23 the tax-delinquent land by issuing a limited warranty deed to the land.

24 (b)(1) Except as provided in ~~subdivisions~~ subdivision (b)(2) ~~and (3)~~
 25 of this section, an action to contest the validity of a conveyance under this
 26 section or a negotiated sale under § 26-37-101 is barred if not commenced
 27 within ~~one (1) year~~ ninety (90) days after the date of the conveyance.

28 (2) A cause of action by a person suffering a mental incapacity,
 29 a minor, or a person serving in the United States armed forces during time of
 30 war during the one-year period under subdivision (b)(1) of this section is
 31 barred if not commenced within two (2) years after the disability is removed,
 32 the minor reaches majority, or the person is released from active duty during
 33 time of war with the United States armed forces.

34 ~~(3) An action to challenge the validity of a conveyance to a~~
 35 ~~purchase of land that was sold at a negotiated sale under § 26-27-101 is~~
 36 ~~barred if not commenced within ninety (90) days after the date of the~~

1 ~~conveyance.~~

2 (c) A deed issued after January 1, 1987, by the Commissioner of State
3 Lands is not void or voidable on the ground that the county did not strictly
4 comply with the laws governing tax-delinquent land.

5 (d) This section does not prevent a taxpayer from contesting the
6 validity of a deed issued by the Commissioner of State Lands on the ground
7 that taxes have actually been paid.

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9 SECTION 3. Arkansas Code § 26-38-202 is amended to read as follows:
10 26-38-202. Complaint.

11 (a) The Commissioner of State Lands on behalf of the State of Arkansas
12 or the purchaser, donee, or redeemptor of the real property from the state, or
13 the grantees of a purchaser, donee, or redeemptor of the real property from
14 the state, shall file in the office of the clerk of the circuit court of the
15 county in which the forfeited real property is situated a complaint
16 requesting that title be quieted and confirmed to the real property described
17 in the complaint.

18 (b)(1) ~~The plaintiff~~ If the Commissioner of State Lands is the
19 plaintiff, the commissioner shall attach to the complaint ~~a~~ his or her
20 certified list ~~from the Commissioner of State Lands~~ describing the real
21 property and containing the years and the amounts for which the real property
22 was forfeited.

23 (2) A purchaser, donee, or redeemptor of real property from the
24 state, or the grantee of a purchaser, donee, or redeemptor of the real
25 property from the state, shall attach to the complaint a copy of the limited
26 warranty deed or other documentation evidencing the transfer of the real
27 property from the state to the purchaser, donee, or redeemptor, or the grantee
28 of a purchaser, donee, or redeemptor of the real property from the state.

29 (c) The complaint may include as many parcels of real property as the
30 Commissioner of State Lands or the purchaser, donee, or redeemptor of real
31 property from the state, or the grantee of a purchaser, donee, or redeemptor
32 of the real property from the state, deems proper, so long as all parcels lie
33 within the county.

34 (d)(1) The certified list is all the proof that is required to show
35 prima facie title in the state.

36 (2) A limited warranty deed or a donation deed is all the proof

1 that is required to show prima facie title in a purchaser, donee, or
2 redemptor, or the grantee of a purchaser, donee, or redemptor, of the real
3 property from the state.

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