

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

SENATE BILL 396

5 By: Senator L. Chesterfield
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For An Act To Be Entitled

8 AN ACT TO PRESERVE AND PROTECT A LANDOWNER'S
9 BOUNDARIES; TO IMPROVE THE REMEDIES FOR EJECTMENT
10 ACTIONS; AND FOR OTHER PURPOSES.
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Subtitle

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14 TO PRESERVE AND PROTECT A LANDOWNER'S
15 BOUNDARIES; TO IMPROVE THE REMEDIES FOR
16 EJECTMENT ACTIONS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. DO NOT CODIFY. Findings and legislative intent.

22 (a) The General Assembly finds that:

23 (1) The right to own, use, and enjoy private property is deeply
24 embedded in both urban and rural societies in Arkansas;

25 (2) Disputes over the ownership of real property, and in
26 particular, boundary disputes between neighbors often result in angry,
27 bitter, and violent confrontations between neighbors that disturb the public
28 peace, health, safety, and welfare; and

29 (3) It is important to provide additional remedies to victims of
30 boundary line intrusions and incentives for people to honor and respect the
31 property rights of others.

32 (b) It is the intent of the General Assembly by this act to preserve
33 and protect the property rights of citizens by providing additional remedies
34 for encroachments upon private property.
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36 SECTION 2. Arkansas Code § 18-60-207 is amended to read as follows:



18-60-207. Judgments - Remedies.

~~(a) In all cases in which no other provision is made, the A judgment, if for the plaintiff, shall be for awarding a party the recovery of the possession of the premises under this subchapter:~~

(1) Shall include and the party's actual damages, a reasonable attorney's fee, litigation expenses, and court costs; and

(2) May include:

(A) Punitive damages; and

(B) Equitable relief in any combination that:

(i) Requires the trespasser to remove an encroachment upon the premises;

(ii) Entitles the party to destroy and remove at the trespasser's expense an encroachment upon the premises; or

(iii) Awards the party title and possession of encroaching property, including without limitation fencing, structures, building materials, or vegetation.

~~(b) If judgment should be rendered against the defendant, the judgment shall be for the recovery of the premises, and a writ of inquiry shall be awarded to assess the damages.~~

SECTION 3. Arkansas Code § 18-60-210 is amended to read as follows:

18-60-210. Execution ~~for damages and costs only~~ of judgment.

~~When the judgment for the plaintiff is only for damages and costs, execution may be issued thereon as on judgments in personal actions~~ The court may issue a writ of execution, writ of possession, and any other writ or process to enforce a judgment under this subchapter.