

Stricken language would be deleted from and underlined language would be added to present law.
Act 1021 of the Regular Session

State of Arkansas *As Engrossed: H2/17/17 H2/23/17 H3/15/17*
91st General Assembly **A Bill**
Regular Session, 2017

HOUSE BILL 1382

By: Representative Gazaway

For An Act To Be Entitled

*AN ACT TO AMEND THE LAW CONCERNING THE COLLECTION OF
A SMALL ESTATE BY A DISTRIBUTEE; TO ESTABLISH
PROCEDURES TO BE FOLLOWED AFTER A CLAIM IS FILED
AGAINST A SMALL ESTATE; AND FOR OTHER PURPOSES.*

Subtitle

*TO AMEND THE LAW CONCERNING THE
COLLECTION OF A SMALL ESTATE BY A
DISTRIBUTEE; AND TO ESTABLISH PROCEDURES
TO BE FOLLOWED AFTER A CLAIM IS FILED
AGAINST A SMALL ESTATE.*

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

SECTION 1. Arkansas Code § 28-41-102(d), concerning the requirements of a distributee after an affidavit is filed and notice published, is amended to read as follows:

*(d) ~~After filing the affidavit and publishing the notice required by~~
If the distributee who is entitled to the transfer or delivery of real
property complies with the affidavit and notice requirements under § 28-41-
101, the three-month period required under § 28-41-101 lapses, and a claim is
not presented to the distributee within the three-month period or all claims
against the estate that were presented to the distributee within the three-
month period are satisfied, then the distributee ~~entitled to the transfer or~~
~~delivery of real property shall:~~*

(1) Be authorized to issue to himself or herself a deed of distribution for the real property of the decedent as if made by a personal



representative of the decedent; and

(2) Deliver notice of the transfer of ownership to the county assessor of each county where the real property is located.

SECTION 2. Arkansas Code § 28-41-102, concerning payment, transfers, or deliveries pursuant to an affidavit for the collection of a small estate, is amended to add an additional subsection to read as follows:

(e)(1) If a claim against an estate is presented to the distributee of the estate within three (3) months from the date of the first publication of the notice required under § 28-41-101, then the distributee shall file a petition for the administration of the estate in accordance with § 28-40-101 et seq.

(2)(A) A distributee is not required to comply with subdivision (e)(1) of this section if the claim against the estate is satisfied without using property owned by the decedent at the time of death.

(B) If a claim against the estate is satisfied in the manner described under subdivision (e)(2)(A) of this section, the claimant shall present to the distributee an acknowledgement of the satisfied claim.

(3)(A) If a petition for the administration of an estate is filed as required under subdivision (e)(1) of this section, then a new notice shall be published in accordance with § 28-40-111.

(B) The publication of notice filed by a distributee in accordance with § 28-41-101 is insufficient notice with regard to a petition for the administration of an estate filed as required under this subsection.

(4)(A) The distributee shall pay a new filing fee when a petition for the administration of an estate is filed as required under this subsection.

(B) A distributee is not entitled to a credit or refund of the fee paid to file the affidavit of small estate required under § 28-41-101.

/s/Gazaway

APPROVED: 04/06/2017