

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

HOUSE BILL 1889

By: Representative Ballinger

For An Act To Be Entitled

AN ACT TO PROVIDE FOR THE MARKETABILITY OF TITLE TO
UNRECORDED MINERAL INTERESTS; AND FOR OTHER PURPOSES.

Subtitle

TO PROVIDE FOR THE MARKETABILITY OF TITLE
TO UNRECORDED MINERAL INTERESTS.

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

SECTION 1. Arkansas Code Title 18, Chapter 12, Subchapter 6, is amended to add an additional section to read as follows:

18-12-610. Marketability of unrecorded mineral interests.

(a) The title to an unrecorded mineral interest beneath the surface of a surface owner's real property located within the State of Arkansas is marketable if:

(1) The owner of the surface estate or his or her predecessor in title has paid all taxes due on the surface estate for at least fifteen (15) years; and

(2) Taxes have not been paid on the unrecorded mineral interest for at least fifteen (15) years.

(b) For marketability of title to an unrecorded mineral interest under this section to be effective, the owner of the surface estate that gains marketable title shall record with the county recorder in the county in which the mineral interest is located an affidavit of the owner of the surface estate that states:

(1) The legal description and parcel number for each surface estate on or under which the mineral interest is located;



(2) The length of time the owner of the surface estate or his or her predecessor in title has paid the taxes due on the surface estate; and

(3) That taxes have not been paid on the unrecorded mineral interest for at least fifteen (15) years.

(c) This section does not preclude a judicial action to quiet the title to mineral interests located within this state before the time that the title to the mineral interest is considered marketable under subsection (a) of this section.