

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
89th General Assembly  
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As Engrossed: S3/21/13 H4/3/13

## A Bill

SENATE BILL 297

By: Senator J. Dismang

### For An Act To Be Entitled

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

### Subtitle

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

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

*SECTION 1. Arkansas Code § 26-37-201(b)(5), concerning the publication of notice for selling tax-delinquent lands, is amended to read as follows:*

*(5) Indicate that the land will be sold to the highest successful bidder if the bid is equal to at least the ~~assessed value of the land as certified to the Commissioner of State Lands~~ amount of delinquent taxes, penalties, interest, and the costs of the sale.*

*SECTION 2. Arkansas Code § 26-37-201(c), concerning procedures for selling tax-delinquent lands, is amended to read as follows:*

*(c) The ~~highest~~ successful bidder shall pay all taxes, interest, penalties, and other costs.*

SECTION 3. Arkansas Code § 26-37-202 is amended to read as follows:

26-37-202. Procedure to sell.

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

(2) Bids shall be delivered at the appropriate place before the



deadline established in the notice of the sale.

~~(b)(1) If no one bids at least the assessed value, the Commissioner of State Lands may negotiate a sale. All negotiated sales shall have approval of the Attorney General~~ If at the scheduled public sale a person or entity does not bid at least the amount of delinquent taxes, penalties, interest, and the costs of the sale, the Commissioner of State Lands may negotiate a private sale.

(2)(A) Except as provided in subdivision (b)(2)(B) of this section, a negotiated private sale shall be approved by the Attorney General before conveyance of the land by the Commissioner of State Lands.

(B) A negotiated private sale that occurs later than two (2) years after the scheduled public sales does not require approval by the Attorney General.

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

~~(2) unless~~ If the Commissioner of State Lands determines that ~~there are not enough~~ sufficient parcels of land located in one (1) county do not exist to justify a single sale in one (1) county ~~only.~~ ~~In that case,~~ the Commissioner of State Lands may hold a tax-delinquent land sale in one (1) location and ~~thereat~~ sell the land located in more than one (1) county if the counties ~~wherein the lands are located~~ are adjoining counties.

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

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

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

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

(f) As used in this section, "interested party" has the same meaning

as in § 26-37-301.

SECTION 4. Arkansas Code § 26-37-203 is amended to read as follows:

26-37-203. Conveyance to purchaser -- Contest.

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

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

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

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

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

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

SECTION 5. Arkansas Code § 26-38-202 is amended to read as follows:

26-38-202. Complaint.

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

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

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

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

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

(2) A limited warranty deed or a donation deed is all the proof that is required to show prima facie title in a purchaser, donee, or redeemptor, or the grantee of a purchaser, donee, or redeemptor, of the real property from the state.

*/s/J. Dismang*