

State of Arkansas  
90th General Assembly  
Regular Session, 2015

# A Bill

HOUSE BILL 1672

By: Representative Broadway

## For An Act To Be Entitled

AN ACT CONCERNING WHO IS ELIGIBLE TO BE AN EXECUTOR  
OF A WILL OR AN ADMINISTRATOR OF AN ESTATE; AND FOR  
OTHER PURPOSES.

### Subtitle

CONCERNING WHO IS ELIGIBLE TO BE AN  
EXECUTOR OF A WILL OR AN ADMINISTRATOR OF  
AN ESTATE.

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

SECTION 1. Arkansas Code § 28-48-101 is amended to read as follows:

28-48-101. Persons entitled to domiciliary letters.

(a) Domiciliary letters testamentary or of general administration may be granted to one (1) or more of the natural or corporate persons mentioned in this section who are not disqualified, in the following order of priority:

(1) To the executor or executors nominated in the will;

(2) To the surviving spouse, or his or her nominee, upon petition filed during a period of thirty (30) days after the death of the decedent;

(3) To one (1) or more of the persons entitled to a distributive share of the estate, or his or her nominee, as the court in its discretion may determine, if application for letters is made within forty (40) days after the death of the decedent, in case there is a surviving spouse and, if no surviving spouse, within thirty (30) days after the death of the decedent; and

(4) To any other qualified person.



(b) ~~No~~ A person is not qualified to serve as domiciliary personal representative ~~who~~ if the person is:

- (1) Under ~~twenty one (21)~~ eighteen (18) years of age;
- (2) Of unsound mind;
- (3) A convicted and unpardoned felon, either under the laws of the United States or of any state or territory of the United States;
- (4) A corporation not authorized to act as fiduciary in this state;
- (5) A person whom the court finds unsuitable; or
- (6)(A) A natural person who is a nonresident of this state, unless he or she shall have appointed the clerk of the court in which the proceedings are pending, and the clerk's successors in office, or some person residing in the county of probate and approved by the court, as agent to accept service of process and notice in all actions and proceedings with respect to the estate.

(B) If a person other than the clerk who has been appointed process agent dies, becomes incompetent, or removes from the county, the clerk and his or her successors in office shall become the process agent.

(C) The appointment or agency may be revoked only upon the appointment of a qualified substitute agent.

(D) Upon the service of any process or notice on the agent, he or she shall immediately transmit the process or notice to the personal representative by registered or certified mail, requesting a return receipt.

SECTION 2. EFFECTIVE DATE. This act takes effect January 1, 2016.