

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

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 2032

By: Representative Shepherd

For An Act To Be Entitled

AN ACT TO CLARIFY THE LAW CONCERNING PREMARITAL
AGREEMENTS; AND FOR OTHER PURPOSES.

Subtitle

TO CLARIFY THE LAW CONCERNING PREMARITAL
AGREEMENTS.

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

SECTION 1. TEMPORARY LANGUAGE. DO NOT CODIFY. Legislative findings.
The General Assembly finds that:

(1) Arkansas Code § 9-11-402 requires a premarital agreement to be in writing, signed, and acknowledged by both parties to the agreement;

(2) In Lyle Farms P'ship et al. v. Lyle, 2016 Ark. App. 577 (2001), the Arkansas Court of Appeals defined "acknowledged" in terms of the requirements necessary to satisfy an acknowledgement;

(3) An "acknowledgement" is a formal declaration before a notary that an instrument is the act and deed of the declarant; and

(4) As parties are able to acknowledge their intent to be bound in numerous ways, the term "acknowledge" should be defined in order to clarify the requirements of Arkansas Code § 9-11-402.

SECTION 2. Arkansas Code § 9-11-402 is amended to read as follows:
9-11-402. Formalities.

(a) A premarital agreement must be in writing and signed and acknowledged by both parties. It is enforceable without consideration.

(b) As used in this section, "acknowledged" means:



(1) A formal declaration or admission before an authorized public officer by the parties who execute the premarital agreement providing that the premarital agreement is the act and deed of the parties;

(2) A sworn affirmation by the respective attorneys of each party that the party represented by the attorney understands and consents to the legal effect of the premarital agreement;

(3) An agreement signed by the parties that is witnessed by a notary and includes a statement that the parties:

(A) Have consulted with their respective attorneys regarding the premarital agreement;

(B) Have read and understand the premarital agreement; and

(C) Freely entered into the premarital agreement without coercion or undue influence; or

(4) An execution of the premarital agreement by both parties that is witnessed by two (2) individuals who are disinterested parties to the premarital agreement.