

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

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 69

By: Senator A. Clark

For An Act To Be Entitled

AN ACT TO REQUIRE A DEED OR OTHER INSTRUMENT THAT CONVEYS REAL PROPERTY OR AN INTEREST IN REAL PROPERTY WITHOUT WARRANTY BE RECORDED AND FILED ONLY BY THE RECORDER OF THE COUNTY IN WHICH THE REAL PROPERTY IS LOCATED; TO AUTHORIZE A REAL PROPERTY OWNER TO COMPLETE A FORM CREATED BY A COUNTY RECORDER'S OFFICE THAT REQUIRES CERTAIN PROVISIONS BE MADE BEFORE A DEED OR OTHER INSTRUMENT THAT CONVEYS REAL PROPERTY OR AN INTEREST IN REAL PROPERTY OWNED BY THE REAL PROPERTY OWNER MAY BE RECORDED OR FILED; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE RECORDATION AND FILING OF A DEED OR OTHER INSTRUMENT THAT CONVEYS REAL PROPERTY OR AN INTEREST IN REAL PROPERTY.

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

SECTION 1. Arkansas Code § 14-15-403, concerning the recordation or filing of an instrument that affects the title to real estate or personal property, is amended to add an additional subsection to read as follows:

(f) A deed or other instrument purporting to convey real property or an interest in real property without warranty shall be received for record or filing only by the recorder of the county in which the real property is located.



SECTION 2. Arkansas Code § 14-15-412, concerning the certification of an instrument that affects the title to real estate, is amended to add an additional subsection to read as follows:

(c)(1) Each county recorder shall create a form that a real property owner may complete that prohibits the purported conveyance without warranty of the owner's real property or interest in real property by a deed or instrument unless the:

(A) Deed or instrument is signed in person at the office of the recorder of the county in which the real property is located;

(B) County recorder has obtained receipt of the lawful signature of the real property owner at the office of the recorder of the county in which the real property is located; and

(C) Real property owner shows the recorder of the county in which the real property is located his or her government-issued photo identification, including without limitation a passport or state-issued driver's license.

(2) If a real property owner is unable to sign a form in person as required by subdivision (c)(1)(A) of this section, the form signed by the real property owner may be submitted in person by an individual acting under a properly executed power of attorney for the real property owner.

(3) A form completed and signed under this subsection shall remain in effect until the real property owner:

(A) Conveys the real property or his or her interest in the real property; or

(B) Rescinds the form.

(4) The protections of real property or an interest in real property guaranteed by the completion of a form under this subsection are not transferable.

(5)(A) A county recorder's office may charge a one-time fee for the completion of a form under subdivision (c)(1) of this section.

(B)(i) Except as provided under subdivisions (c)(5)(B)(ii) and (c)(5)(B)(iii) of this section, a one-time fee charged under this subdivision (c)(5) shall not exceed one hundred dollars (\$100).

(ii) For an individual who is over sixty-five (65) years of age or permanently disabled, a one-time fee charged under this

subdivision (c)(5) shall not exceed fifty dollars (\$50).

(iii) For real property that is occupied by an individual other than the real property owner, a one-time fee charged under this subdivision (c)(5) shall not exceed two hundred fifty dollars (\$250).

(6) A deed or other instrument purporting to convey real property or an interest in real property of an owner who completed a form under subdivision (c)(1) of this section shall not be submitted for recordation or filing by a county recorder unless all requirements under this subsection are met.