

Service on Nonresident

A.C.A. § 18-44-116

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Title 18 Property
Subtitle 4. Mortgages And Liens
Chapter 44 Mechanics' and Materialmen's Liens
Subchapter 1 -- General Provisions

A.C.A. § 18-44-116 (2012)

18-44-116. Service on nonresident or absconder.

(a) (1) Whenever property is sought to be charged with a lien under this subchapter, the notice may be filed with the recorder of deeds of the county in which the property is situated if the owner of the property so sought to be charged:

(A) Is not a resident of this state;

(B) Does not have an agent in the county in which the property is situated;

(C) Is a resident of this state but not of the county in which the property is situated; or

(D) Conceals himself or herself, has absconded, or absents himself or herself from his or her usual place of abode, so that the notice required by § 18-44-114 or § 18-44-115 cannot be served upon him or her.

(2) When filed, the notice shall have like effect as if served upon the owner or his or her agent in the manner contemplated in § 18-44-114 or § 18-44-115.

(b) A copy of the notice so filed, together with the certificate of the recorder of deeds that it is a correct copy of the notice so filed, shall be received in all courts of this state as evidence of the service, as provided in this section, of the notice.

(c) (1) The recorder of deeds in each county of this state shall receive, file, and keep every such notice presented to him or her for filing and shall further record it at length in a separate book appropriately entitled.

(2) For service so performed, the recorder of deeds shall receive for each notice, the sum of twenty-five cents (25cent(s)), and for each copy certified, as stated in this section, of each of the notices he or she shall receive the sum of fifty cents (50cent(s)), to be paid by the party so filing or procuring the certified copy, as the case may be.

(d) The costs of filing and of one (1) certified copy shall be taxed as costs in any lien suit to which it pertains to abide the result of the suit.

HISTORY: Acts 1895, No. 146, § 7, p. 217; C. & M. Dig., § 6918; Pope's Dig., § 8877; A.S.A. 1947, § 51-609; Acts 2009, No. 454, § 3.