GUIDE TO ARKANSAS STATUTES OF LIMITATIONS **NINTH EDITION 2022**

TABLE OF CONTENTS

DISCLAIMER **PREFACE CAVEAT**

IN GENERAL: STATUTES OF LIMITATIONS AND TIME-LIMITING RULES FOR CIVIL PROCEEDINGS

- A. ACTIONS NOT OTHERWISE ADDRESSED.
- B. COMPUTATION OF TIME.
 - 1. In general.
 - 2. Legal holidays.
 - 3. Sundays.
- C. DISABILITY.
- D. NEW ACTION: FILING MANDATE.
- E. SUSPENSION OF TIME.
 - 1. Armed forces personnel.
 - 2. Death of person entitled to sue.
 - 3. Death of defendant.
 - 4. Death of plaintiff. 5
 - 5. Injunction.
 - 6. "John Doe" tortfeasor pseudonym.
 - 7. Person absconding from county.
 - 8. Presumption of death.

II. CIVIL PROCEDURE.

A. APPEAL.

- 1. Time for filing notice of appeal.
- Time for filing notice of appeal extension upon filing of certain motions.
- 3. Time for filing notice of appeal extension upon showing of failure to receive notice, judgment, decree, or order.
- 4. Time for filing notice of appeal exception to general rule for election cases.
- B. DEFENSES AND OBJECTIONS.
 - 1. Answer and responsive pleading.
 - 2. Motion for more definite statement.
 - 3. Motion to strike.
 - 4. Response to motions.
- C. DEMAND FOR JURY TRIAL.
- D. INTERROGATORIES: ANSWERS AND OBJECTIONS.
- E. JUDGMENTS.

 - Default judgment.
 Offer of judgment. Offer of judgment.
 - 3. Relief from judgment.
 - 4. Stay of proceeding to enforce judgment.
 - 5. Summary judgment.
- F. MOTION FOR NEW TRIAL.
 - 1. Motion for new trial.
 - Supporting affidavits.

III. COMMERCIAL LAW.

- A. BANK DEPOSITS AND COLLECTIONS.
 - 1. In general.
 - 2. Warranties.
 - a. Presentment warranties.
 - b. Transfer warranties.

B. COMMERCIAL PAPER.

- 1. Liability on instrument.
 - a. Accepted draft.
 - b. Certificate of deposit.
 - c. Certified check, teller's check, and traveler's check.
 - d. Conversion, breach of warranty, and enforcement of duty.
 - e. Note payable at a definite time.
 - f. Note payable on demand.
 - g. Unaccepted draft.
- 2. Unauthorized signature or alteration.
- 3. Warranties.
 - a. Presentment warranties.
 - b. Transfer warranties.

C. SALES.

- 1. Home solicitation.
 - a. Return of payments and goods by seller.
 - b. Right to cancel offer or contract by buyer.
 - c. Time limit on return of goods by buyer.
- 2. Tax sales.
 - a. Attack on confirmation of tax sale.
 - b. Contest of conveyance to purchaser
 - c. Recovery from tax sale buyer.

IV. CONTRACTS.

- A. CONTRACT FOR SALE OF GOODS.
- B. CONTRACT OR LIABILITY, EXPRESS OR IMPLIED.
- C. CONTRACTS IN WRITING.
- D. CONTRACTS NOT IN WRITING.
- E. DEFICIENCY IN DESIGN, CONSTRUCTION OR REPAIR.
 - 1. Action in contract to recover damages.
 - 2. Action in tort or contract to recover damages for personal injury or wrongful death.
 - 3. Fraudulent concealment of a defect.

V. CORPORATIONS AND OTHER BUSINESS ASSOCIATIONS.

A. CORPORATIONS.

- Business Corporations Incorporated on or before December 31, 1987, and that have not elected to be governed by the Arkansas Business Corporations Act of 1987
 - a. Rights of dissenting shareholders.
 - b. Claims after notice of dissolution.
 - c. Claims under supervised liquidation7
- 2. Business Corporations Incorporated after December 31, 1987, or pre-existing corporations that have elected to be governed by the 1987 Act.
 - a. Appeal from Secretary of State's refusal to file document.
 - b. Dissenting shareholder's demand for payment for shares.
 - c. Judicial appraisal of shares after payment demand.
 - d. Known claims against dissolved corporaiton.
 - e. Unknown claims against dissolved corporation.
 - f. Reinstatement following administrative dissolution.
 - g. Appeal from denial of reinstatement.
 - h. Appeal from revocation of foreign corporation certificate of authority.
- 3. Nonprofit corporations.
 - a. Termination, expulsion, and suspension of members.
 - b. Known claims against dissolved nonprofit corporation.
 - c. Unknown claims against dissolved nonprofit corporation.
 - d. Reinstatement following administrative dissolution.
 - e. Appeal from denial of reinstatement.
 - f. Appeal from revocation of foreign nonprofit corporation certificate of authority.

B. LIMITED LIABILITY COMPANY.

- 1. Known claims against dissolved limited liability company.
- 2. Unknown claims against dissolved limited liability company.
- 3. Judicial review of denial of reinstatement.

VI. CRIMINAL LAW.

- A. GENERALLY.
 - 1. When offense is committed.
 - 2. Tolling.
- B. APPEAL TIME AND METHOD OF TAKING APPEAL.
 - 1. Notice of appeal.
 - 2. Time for filing.
 - a. Filing notice of appeal before the entry of judgment; extension of period for filing notice of appeal following timely filing of post-trial motion.
 - b. Filing notice of appeal before disposition of any post-trial motions; amending previously-filed notice of appeal of grant or denial of post-trial motion.
 - 3. Failure to pursue appeal.
 - 4. Time extension when last day for action on Saturday, Sunday or holiday.
- C. FELONIOUS CONDUCT IN OFFICE BY PUBLIC SERVANT.
- D. FRAUD: CRIMINAL PROSECUTION AFTER DISCOVERY.
- E. JUVENILE CODE.
 - 1. Appeal.
 - 2. Arrest without warrant: times for action.
 - 3. Detention hearing for delinquent.
 - 4. Detention hearing for felony.
- F. MANDATORY ATTENDANCE AT TRIAL OF EXPERT WITNESS FROM ARKANSAS STATE CRIME LABORATORY.
- G. MOTION TO SUPPRESS.
- H. OFFENSES.
 - 1. Felonies.
 - a. Murder.
 - b. Other felony offenses.
 - i. Class Y and Class A felonies.
 - ii. Class B, C, D, and unclassified felonies.
 - 2. Misdemeanors.
 - 3. Securities.
 - 4. State tax law.
 - 5. Violations.
- . POST-CONVICTION PROCEEDINGS AND RELIEF.
 - 1. Conviction by plea of guilty or petitioner found guilty at jury trial and did not appeal the judgment of conviction.
 - 2. Appeal taken of the judgment of conviction.
 - 3. State's response.
- J. SPEEDY TRIAL.
 - 1. Defendant incarcerated for nine months.
 - 2. Defendant not brought to trial within twelve months.
- K. TIME FOR FILING FORMAL CHARGE.

VII. DEBTOR - CREDITOR LAW.

- A. ABSCONDING DEBTOR.
 - 1. Absconding to state.
 - 2. Improper act of party.
- B. ARMED FORCES PERSONNEL.
- C. CONTESTING VALIDITY OF ARGUMENT.
- D. ATTORNEYS' FEES.
 - 1. Claims for attorneys' fees.
 - 2. Claims for attorneys' fees by the State of Arkansas.
- E. ENFORCEMENT OF JUDGMENTS AND DECREES.
- F. LIENS.
 - 1. Artisans.
 - 2. Child support.
 - 3. Cleaners, launderers, dyers, tailors, hat renovators, and shoe repairmen.
 - 4. Cotton ginner's lien.
 - 5. Crop lien.
 - 6. Drain pipe lien.
 - 7. Electrical repairmen.

- 8. Farm product processor's lien.
- 9. Hospital lien.
- 10. Judgment lien.
 - a. Civil cases judgment as lien on land.
 - b. Criminal cases.
- 11. Laborers.
- 12. Livestock.
 - a. Enforcement of security interest in livestock.
 - b. Livestock care lien.
 - c. Livestock stud service lien.
- 13. Mechanics and materialmen.
- 14. Miners or quarry workers.
- 15. Occupant.
- 16. Tax deed holder.
- 17. Vendor's lien.
- G. MEDICAL SERVICES: COLLECTIONS.

VIII. DECEDENTS' ESTATES.

- A. ADMISSION OF WILL TO PROBATE.
- B. APPOINTMENT OF PERSONAL REPRESENTATIVE.
- C. CLAIMS AGAINST THE ESTATE.
 - 1. Claims in general.
 - a. Claim barred at time of decedent's death.
 - b. Claims barred when no administration commenced or no notice published.
 - c. Claims of known creditors and reasonably ascertainable creditors barred.
 - d. Contingent claim that becomes absolute.
 - e. Contingent claim not timely presented.
 - f. Extension of limitations in certain cases.
 - g. Improper distribution.
 - h. Liens not affected.
 - i. Statute of nonclaims.
 - j. Statute of nonclaims not affected by statutes of limitations.
 - k. Tort claims.
 - 2. Filing of claims presented to personal representative.
- D. DISCLAIMING INTEREST IN PROPERTY.
- E. ELECTION TO TAKE AGAINST THE WILL.
 - 1. Notice of spouse of right to elect.
 - 2. Spouse's limitation for filing election.
- F. INVENTORY.
- G. OBJECTIONS TO ACCOUNTS.
- H. OBJECTION TO FOREIGN WILL.
- I. REVIVAL OF ACTION AGAINST THE PERSONAL REPRESENTATIVE.
- J. WILL CONTEST.
 - 1. Basis of contest is discovery of another will.
 - 2. Basis of contest is any ground other than discovery of another will.
 - a. Contestant given notice by means other than publication of hearing.
 - b. Contestant given notice in manner provided by Ark. Code Ann. § 28-40-11 and is not barred by Ark. Code Ann. § 28-40-113(b)(2)(A).
 - c. Contestant not barred by Ark. Code Ann. § 28-40-113 but notice of admission of will to probate proper and a copy served upon contestant.
 - d. Contestant not barred by Ark. Code Ann. § 28-40-113.

IX. EMPLOYMENT AND LABOR LAW.

- A. UNEMPLOYMENT COMPENSATION.
 - 1. Determination of claims for benefits.
 - a. Appeal to appeal tribunal.
 - b. Review by Board of Review.
 - c. Petition for review by Court of Appeals.
 - 2. Determination of coverage.
 - a. Appeal to Board of Review.
 - b. Petition for review by Court of Appeals.
 - 3. Employer contribution assessment.

- a. Limitation.
- b. No limitation for tax evasion.
- c. Review by circuit court.
- 4. Employer contribution rate.
 - a. Review and redetermination by director.
 - b. Appeal to circuit court.
- 5. State's recovery of unemployment benefits.
- B. WAGE DISCRIMINATION BETWEEN SEXES.
- C. WORKERS' COMPENSATION.
 - 1. Review of Award or Order of ALJ or Single Commissioner.
 - 2. Filing of claims.
 - a. Death.
 - b. Disability.
 - c. Occupational disease.
 - d. Failure to claim induced by fraud.
 - e. Tolling.
 - 3. Appeal.
 - 4. Filing for additional compensation.
 - 5. Notice by employer.
 - 6. Notice to employer.
 - a. Occupational disease.
 - 7. Modification.
- D. ARKANSAS CIVIL RIGHTS ACT ("ACRA").

X. FAMILY LAW.

- A. ADOPTION: WITHDRAWAL OF CONSENT.
- B. CHILD SUPPORT.
 - 1. Arrearages in support.
 - 2. Choice of law.
 - 3. Hearing to contest registration of order.
 - 4. Petition for support.
 - 5. Suspension of driver, occupation, professional or business license for failure to pay child support
- C. PETITION FOR DOMICILE.
- D. PATERNITY ACTIONS.
 - 1. Generally.
 - 2. Rescinding voluntary acknowledgment of paternity.
 - 3. Challenging adjudication of paternity.

XI. PROPERTY LAW.

- A. ARMED FORCES PERSONNEL.
- B. LEASES.
 - 1. Arrearages of rent.
 - 2. Default under a lease contract.
 - 3. Oral leases for farm lands.
- C. REAL PROPERTY.
 - 1. Adverse possession.
 - 2. Dower and curtesy.
 - 3. Ejectment.
 - a. Action of ejectment.
 - b. Limitation on mesne profits.
 - 4. Entry upon land.
 - 5. Escheated estate.
 - a. Escheat of real property.
 - b. Reclamation of escheated property.
 - 6. Levee or drainage district: limitation on action and damages for appropriation of land.
 - 7. Quiet title decree: setting aside.
 - 8. Redemption.
 - a. Actions to recover land, tenements, or hereditaments.
 - b. Ejectment.
 - c. Entry upon land or tenements.
 - d. Execution of judgments on real estate.

- e. Fire protection district taxes.
- f. Forcible entry and detainer Unlawful detainer.
- g. Municipal property owner's districts taxes.
- h. Recovery of lands held under tax title.
- i. Recovery of lands sold at judicial sales generally.
- j. Redemption of real property following foreclosure.
- k. Right of judgment creditor to redeem.
- l. Right-of-way districts.
- m. Rights of persons under disability.
- n. Road, drainage, levee, or other improvement districts.
- o. Road improvement taxes.
- D. REPLEVIN.
- E. UNCLAIMED PROPERTY.

XII. TAX LAW.

- A. ARKANSAS TAX PROCEDURE ACT. ARK. CODE ANN. § 26-18-101 et seq.
 - 1. Judicial relief for taxpayer.
 - 2. Time limitations for assessments, collections, refunds and prosecutions.
 - a. In general.
 - b. After amended filing
 - c. Assessment after correction by Internal Revenue Service.
 - d. Agreement to extension of period in which assessment is to be filed.
 - e. Taxpayer understates tax due or underreports net taxable income.
 - f. Fraudulent return or failure to file a report.
 - 3. Time limitations for collection.
 - 4. Time limitations for credit or refund.
- B. ESTATE TAX LAW.
- C. PERSONAL PROPERTY TAX.
 - 1. Personal property tax: intangible property.
 - 2. Personal property tax: tangible property.
- D. HOSPITAL AND MEDICAL SERVICES CORPORATION: REFUND OF PREMIUM TAX.

XIII. TORTS.

- A. ASSAULT.
- B. BATTERY.
- C. CONVERSION.
- D. CORPORATE EMPLOYEE.
- E. DEFICIENCY IN DESIGN, CONSTRUCTION, OR REPAIR.
 - 1. Action in tort or contract to recover damages for personal injury or wrongful death.
 - 2. Fraudulent concealment of a defect.
- F. FALSE IMPRISONMENT.
- G. HOME INSPECTOR OMISSION.
- H. LEGAL MALPRACTICE.
- I. LIBEL.
- J. MEDICAL INJURY.
 - 1. Generally.
 - 2. Foreign objects.
 - 3. Minors: age nine (9) or younger.
- K. NEGLIGENCE.
- L. PRODUCT LIABILITY.
- M. SEXUAL ABUSE.
- N. SLANDER.
- O. TRESPASS.
- P. WORDS SPOKEN SLANDERING CHARACTER OF ANOTHER.
- O. WORDS SPOKEN WHEREBY SPECIAL DAMAGES ARE SUSTAINED.
- R. UNCLASSIFIED TORTS.
- S. WRONGFUL DEATH.
 - 1. Generally.
 - 2. Medical malpractice.
 - a. Generally.
 - b. Foreign objects.
 - c. Minors: age nine or younger.

XIV. MISCELLANEOUS. A. ARBITRATION AND AWARD. B. BONDS. 1. Constable's bond. Contractor's bond and public works a. Payment Bond Actions must be filed within 1 year b. Performance Bond Actions must be filed within 2 years 3. Coroner's bond. 4. Executor / administrator's bond. 5. Sheriff's bond. C. COUNTIES. 1. Allowed claims. 2. Property sold contrary to law. D. ELECTION CONTESTS. 1. Appeal of election results. 2. Complaint by candidate to contest election. a. Affidavit. b. Answer. 3. Complaint by citizens of illegality. 4. Contest of state legislative offices. **State House of Representatives.** i. Election contest. ii. Eligibility contest. State Senate: eligibility, qualification, or election contest. 5. Liquor vote contest. Sales and use tax for capital improvements. Sales and use tax for multi-county airport and riverport. E. EQUAL CONSUMER CREDIT ACT. F. FINES AND FORFEITURES. G. FRAUDULENT TRANSFERS.

1. Pursuant to A.C.A. § 4-59-204(a)(1).

3. Pursuant to A.C.A. § 4-49-205(b).

Initiatives. Referendum.

Referendum.

1. Disability policies: required provisions.

Time limit on certain defenses.

N. MORTGAGE LOAN BROKER: ADVANCE FEE LOAN.

b. Publication of notice.

Legal actions.

Suit against insurers.

INITIATIVE AND REFERENDUM.

H. GAMBLING LOSSES.

County measures.
 a. Certification.
 b. Filing.

2. Statewide measures. a. Filing.

J. INSURANCE.

K. LEMON LAW.L. MEDICAID FRAUD.

O. MOTOR VEHICLES.
1. Accident reports.
2. Proof of insurance.
P. PENAL STATUTES.

2. Pursuant to A.C.A. § 4-59-204(a)(2) or 4-59-205(a).

iii. Appeal of Sufficiency or Insufficiency of Findings.

iii. Local for Municipalities and Counties.

Group blanket and disabilities policies: required provisions.

M. MINING CLAIM ON PUBLIC LANDS: ACTION AGAINST CLAIMANT.

Q. PETROLEUM PRODUCTS: CANCELLATION OF FRANCHISE.

- 1. Action by dealer against distributor.
- 2. Action by distributor against supplier.

R. RAILROADS.

- 1. Killing or injuring livestock.
- 2. Lien for labor and materials.
- 3. Railroad freight transportation.
- 4. Rates, fares, and charges by utilities and regulated industries involved in transportation of persons or property.
- S. REAL ESTATE BROKERS INVESTIGATION AND DISCIPLINARY HEARINGS.
 T. RURAL TELEPHONE COOPERATIVES, ACTIONS AGAINST.
- U. SECURITIES.
- V. SHERIFFS AND OTHER OFFICIALS. W. STATE CLAIMS COMMISSION.
- X. TRADE SECRETS: MISAPPROPRIATION.

INDEX