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CANDAREESE

CIRCUIT CLERK

BY: LISA PEMBERTON

DEPUTY

ORDINANCE

2 Pages

## Ordinance No. 2025 - 44

### **An Ordinance to Establish the Escheated Estate Trust Fund on the Books of Baxter County, Arkansas; for Operation of Said Fund; and to Declare an Emergency.**

**Article 1. Affirmation.** It comes before this court the need to establish an Escheated Estate Trust Fund for use when property, real or personal, escheats to the county pursuant to the provisions of Escheated Estates in Arkansas Code Annotated § 28-13-101 et seq. This court so affirms. This court is also cognizant of the fact that during a 7 year period after the date of death of the intestate any person who claims to be an heir or legal representative may file a petition in the circuit court stating the nature of his or her claim and praying that such money may be paid to him or her.

**Article 2. Establishment of Fund.** There is hereby created on the official books of Baxter County a trust fund in the 8001 series of the County Financial Management System Manual. The fund number and any other financial accounting numbers needed for this fund are to be assigned by the Baxter County Clerk and Treasurer.

**Article 3. Operation of Fund.** The Escheated Estate Trust Fund is to be operated as a trust fund, meaning that the funds are being held in trust during the period of time when an heir may claim the funds through circuit court proceedings.

If the court finds that the person is entitled to any money paid into the treasury, the court shall make an order directing the county treasurer to issue a check from the Escheated Estate Trust Fund for payment of the money but without interest or costs. A copy of the order, under the seal of the court, shall be sufficient for issuing the check. [Reference: § 28-13-110(a)(2)]

In accordance with § 28-13-112 the county treasurer shall keep just accounts of all moneys paid into the treasury and of all lands vested in the county under the provisions of A.C.A. § 28-13-101 et seq. Since this will operate as a conglomerated trust fund for any escheated estates, it will be necessary for the treasurer to maintain separate records of the various estates that may escheat to the county during the period that there is the possibility of reclamation which is 7 years from the date of death of the intestate.

The county treasurer shall deposit the funds in an interest bearing account. All interest earned shall accrue to the general fund of the county since the provisions of Title 28, Chapter 13, Subchapter 1 concerning escheated estates prohibits payment of interest to claimants.

**Article 4. Complete Vestment of Property in the County.** In accordance with state law, all persons who fail to appear and file their petitions within seven (7) years from the date of death of the intestate shall be forever barred. [Reference: § 28-13-110(c)] After holding the funds in trust for 7 years from the date of death of the intestate, the county treasurer shall, by operation of law, transfer the affected escheated funds to the County General fund for use in general operations of the county.

**Article 5. Invalidity.** If any provision of this Ordinance is found to be invalid by the decision of any court of competent jurisdiction, such invalidity shall not affect the remaining sections, phrases, and provisions of this Ordinance which remain valid and enforceable.

**Article 6. Emergency Clause.** Because a Baxter County Circuit Court Order [Case No. 03CV-23-361] to pay out funds to the Baxter County treasury has already been issued, an emergency is declared and this ordinance shall be in full force and effect immediately upon passage by the quorum court and approval by the county judge pursuant to § 14-14-908(f).

APPROVED:

Kevin Litty  
KEVIN LITTY, BAXTER COUNTY JUDGE

Date signed: 8-2-25

ATTEST:

Canda J. Reese  
CANDA J. REESE, BAXTER COUNTY CLERK

Sponsor: Griffin

Date Adopted: 8-2-2025

Votes: For: 10 Against: 0

Abstain: 0 Present: 0 Absent: 1