

Ark. Op. Atty. Gen. No. 2005-108, 2005 WL 1707313 (Ark.A.G.)

Office of the Attorney General
State of Arkansas

Opinion No. 2005-108

July 19, 2005

The Honorable Bill Sample
State Representative

Dear Representative Sample:

I am writing in response to your request for my opinion on the following questions:

1. Whether the Hot Springs Village Voice is a legal newspaper?
2. Whether the Hot Springs Village Property Owners Association can use this newspaper to advertise their 'Legal Notices'?

RESPONSE

Your first question requires a factual determination that is outside the scope of an opinion from this office. This office is not equipped or empowered as a factfinder to make a determination of this nature, which requires the application of specific statutory requirements to the particular facts surrounding the publication.

While I am therefore unable to definitively address this question, I have enclosed two opinions previously issued by this office (Att'y Gen. Op. Nos. 95-037 and 90-134), which address the general requirements for a newspaper to be classified as a "legal newspaper" eligible to publish legal notices. The relevant law does not appear to have changed since the issuance of these opinions. The requirements for a "legal newspaper" are set out in [A.C.A. § 16-3-105 \(Repl. 1999\)](#). Please note that I have also enclosed a copy of this Code section for your convenience.

Your second question also requires a factual determination under [A.C.A. § 16-3-105](#), *supra*, based on the test detailed in the enclosed opinions, if indeed state law requires the Hot Springs Village Property Owners Association ("Association") to publish its legal notices in a "legal newspaper." You have provided no information in this regard, and I must note that to my knowledge, state law does not impose such a requirement on a property owners' association. *Compare, e.g.,* [A.C.A. § 14-93-117](#) and -123 (regarding property owners' improvement districts). *But see* [A.C.A. § 4-33-141\(b\) \(Repl. 2001\)](#) (regarding "notice" under the Arkansas Nonprofit Corporation Act).

Nevertheless, assuming that the Association is required to publish its legal notices in a "legal newspaper," the enclosed statute and opinions outline the general legal framework for the factual review.

Assistant Attorney General Elisabeth A. Walker prepared the foregoing opinion, which I hereby approve.

Sincerely,
Mike Beebe
Attorney General

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