

IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS
WESTERN DISTRICT

CITY OF JONESBORO, ARKANSAS

FILED
08 MAY -2 PM 2:38
PLAINTIFF
CIRCUIT COURT CLERK

V.

NO. CIV-2007-0447

STEVEN K SMALLMAN AND HEATHER K PIERCE SMALLMAN

DEFENDANTS

WELLS FARGO NATIONAL BANK ASSOCIATION

MORTGAGEE

ORDER OF ENTRY AND DISBURSEMENT OF FUNDS

On this date was presented to the court the ORDER of the plaintiff, City of Jonesboro, by and through its City Attorney, Phillip Crego and based upon the pleadings, and other matters of proof before the court, the court doth find:

1. That the plaintiff, City of Jonesboro, Arkansas, herein filed its complaint in condemnation alleging its right to condemn a drainage easement across the lands of the defendants and the mortgagee under the power of eminent domain, and deposited into the registry of the court the sum of \$2,230.00 as just compensation for the taking of the land of the defendant.

2. That plaintiff is entitled to a permanent easement on said land of the defendants to construct, maintain and utilize improvements.

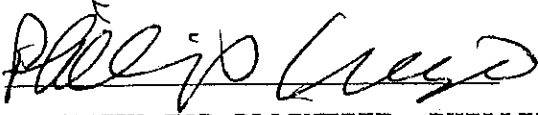
3. That the defendants Steven K Smallman and Heather K. Pierce Smallman, defendants and Wells Fargo National Bank Association, Mortgagee are entitled to the funds deposited into the registry of the court for the taking of their land. That the sum of \$2,230.00 deposited shall be given to the defendants and the mortgagee.

IT IS SO ORDERED.



CIRCUIT JUDGE, DAVID LASER

APPROVED AS TO FORM:



ATTORNEY FOR PLAINTIFF, PHILLIP CREGO


Law Bk 77 Pg 926-927
DATE :05-06-2008
TIME :11:24:29 AM
RECORDED IN
OFFICIAL RECORDS OF
CRAIGHEAD COUNTY, AR.
ANN HUDSON
CIRCUIT CLERK



FILED IN D.C.

Multiple claims. If a complaint asserts multiple claims which involve different subject matter divisions of the circuit court, the cover sheet for that division which is most definitive of the nature of the case should be selected and completed.

COVER SHEET
STATE OF ARKANSAS
CIRCUIT COURT: CIVIL

 To Save a copy of this form to your computer, please click the disk icon on the toolbar above.

The civil reporting form and the information contained herein shall not be admissible as evidence in any court proceeding or replace or supplement the filing and service of pleadings, orders, or other papers as required by law or Supreme Court Rule. This form is required pursuant to Administrative Order Number 8. Instructions are located on the back of the form.

FILING INFORMATION
County: Craighead District: Western Docket Number: CV 2007-0447
Judge: Burnett Division: 3 Filing Date: 7.03.07
Plaintiff: City of Jespersen Defendant: Steven K. Smallman
Heather K. Pierce Smallman
Attorney Providing Information: _____
☒ Plaintiff ☐ Defendant ☐ Intervenor Address: Wells Fargo Nk Banklessoc.
Litigant, If Pro Se: _____ Address: _____
Related Case(s): Judge _____ Case Number(s): _____

Type of Case:

Torts

- ☐ (NM) Negligence: Motor Vehicle
☐ (NO) Negligence: Other
☐ (BF) Bad Faith
☐ (FR) Fraud
☐ (MP) Malpractice
☐ (PL) Product Liability
☐ (OD) Other _____

Contracts

- ☐ (IS) Insurance
☐ (DO) Debt: Open Account
☐ (PN) Debt: Promissory Note
☐ (EM) Employment
☐ (OC) Other _____

Equity

- ☐ (FC) Foreclosure
☐ (QT) Quiet Title
☐ (IJ) Injunction
☐ (PT) Partition
☐ (OT) Other _____

Miscellaneous

- ☒ (CD) Condemnation
☐ (RE) Replevin
☐ (DJ) Declaratory Judgment
☐ (UD) Unlawful Detainer
☐ (IN) Incorporation
☐ (EL) Election
☐ (FJ) Foreign Judgment
☐ (WT) Writs
☐ (AA) Administrative Appeal
☐ (CF) Property Forfeiture
☐ (RD) Remove Disabilities
☐ (NC) Name Change
☐ (OM) Other _____

Jury Trial Requested: ☒ Yes ☐ No

Manner of Filing: ☒ Original ☐ Re-open ☐ Transfer
☐ Return from Federal/Bankruptcy Court

DISPOSITION INFORMATION

Disposition Date: _____ ☐ Bench Trial ☐ Non-Trial ☐ Jury Trial

Judgment Type:

- ☐ (DJ) Default Judgment
☐ (SJ) Summary Judgment
☐ (CJ) Consent Judgment
☐ (TJ) Trial Judgment
☐ (OJ) Other Judgment
☐ (PG) Petition Granted
☐ (PD) Petition Denied
☐ (DF) Decree of Foreclosure

Dismissal Type:

- ☐ (DW) Dismissed with Prejudice
☐ (DN) Dismissed without Prejudice

Other:

- ☐ (TR) Transferred to Another Jurisdiction
☐ (RB) Removed to Bankruptcy Court
☐ (RF) Removed to Federal Court
☐ (AR) Arbitration

Judgment For:

☐ Plaintiff ☐ Defendant ☐ Both

Judgment Amount: \$ _____

Clerk's Signature
AOC 23 10-01
623 Marshall Street
Little Rock, AR 72201

Date

Send 1 paper or electronic copy to AOC upon filing.
Send 1 paper or electronic copy to AOC upon disposition.
Keep original in court file.

Effective 1-1-2002

*Summary
Issued*

IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS
WESTERN DISTRICT

FILED

07 JUL -3 PM 2:31

PLAINTIFF

HUDSON
CIRCUIT AND CHANCERY
COURT CLERK

CITY OF JONESBORO, ARKANSAS

V.

NO. CIV-2007-0447

STEVEN K SMALLMAN

DEFENDANT

HEATHER K PIERCE SMALLMAN

WELLS FARGO NATIONAL BANK ASSOCIATION

MORTGAGEE

COMPLAINT IN CONDEMNATION

Now comes the plaintiff, the City of Jonesboro, by and through its City Attorney, Phillip Crego and for its Complaint in Condemnation, states and alleges:

1. The plaintiff, City of Jonesboro, Arkansas, is a city of the first class under the laws of the State of Arkansas. Defendant, STEVEN K SMALLMAN AND HEATHER K PIERCE SMALLMAN are citizens owning and operating property in Craighead County, Arkansas, which is the subject of this action. Defendant Wells Fargo National Bank Association is a lending entity doing business in Craighead County, Arkansas.

2. The plaintiff, in the exercise of its governmental powers and authority, has contracted for improvements within the City of Jonesboro. Additional easements and right of ways for this work of improvement are needed from property owners, including the defendant's property.

3. The description of the property owned by the defendant which is required for plaintiff's purposes is as follows:

A part of Lot 23 Block 2, Section 30, Township 14. N Range 04 of Ridgecrest Additon 30' x 74.3'feet or 2229 square feet, more or less, and also known as 504 Parkview; situated in the City of Jonesboro, Craighead County, Arkansas.

4. Pursuant to provisions of state law, including Arkansas Code Annotated 18-15-309, plaintiff is vested with the power of eminent domain and is authorized to enter upon private property for the construction of its designed improvements and is proceeding under eminent domain to acquire a permanent easement, along with temporary easements described above, for the purposes related. The acquisition of easement for these purposes is a necessary public use providing for improvements in the City of Jonesboro.

5. Plaintiff has had this property appraised, with the appraisal report indicating that there were no damages to the defendant owner by reason of the proposed taking of said easement, in that the land owned by the defendant, which is the subject of this action, has an appraisal value of \$2,230.00, Therefore Plaintiff suggests a sum of (\$2,230.00) as just compensation under these circumstances, and plaintiff is entitled to immediate entry upon these lands for the purposes stated upon the filing of this complaint, deposit into the registry of the Court of the sum mentioned as just compensation and notice of this action to defendant. Plaintiff herewith deposits into the registry of the

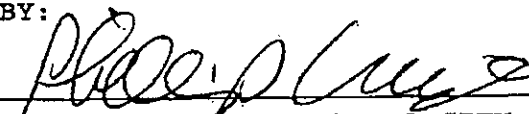
Court the sum of (\$ 2,230.00) as such just compensation.

6. That defendant, Wells Fargo National Bank Association may claim an interest in this property by virtue of a mortgage held by it on this property.

WHEREFORE, plaintiff prays that the above described lands be condemned for the aforesaid public use, both for temporary easements and permanent easement, and that defendant's damages be assessed at (\$ 2,230.00) for the taking of such land for these uses, and that this Court issue its order for immediate entry on the above described land by plaintiff for the purposes stated above.

CITY OF JONESBORO, ARKANSAS

BY:



PHILLIP CREGO, JONESBORO CITY

ATTORNEY

410 Washington

Jonesboro, AR 72403

870-932-0917

BAR #82042