

**IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS
WESTERN DIVISION**

P&J DEVELOPMENT COMPANY

PETITIONER/PLAINTIFF

v.

Case No. CV 2007-328 (DL)

**CITY OF JONESBORO, ARKANSAS by and through its
Metropolitan Area Planning Commission**

RESPONDENT/DEFENDANT

DEFAULT JUDGMENT

Based upon the Motion for Default Judgment filed by the Petitioner/Plaintiff, P&J Development Company, against the Respondent/Defendant, City of Jonesboro, Arkansas, by and through its Metropolitan Area Planning Commission, Petitioner/Plaintiff appearing by and through its attorney, Stephen R. Giles, P.A., and Respondent/Defendant appearing not, and based upon the Complaint and Appeal filed herein, the pleadings of record, and all other matters and things before the Court,

IT IS HEREBY CONSIDERED, ORDERED AND ADJUDGED that the Petitioner/Plaintiff's Motion for Default Judgment should be and hereby is GRANTED.

Respondent/Defendant is hereby ordered to approve the Sloan Lakes Preliminary Plat, to proceed with consideration of the matters required for final plat approval of this matter, and to approve the final plat in accordance with the City of Jonesboro subdivision regulations.

IT IS SO ORDERED.

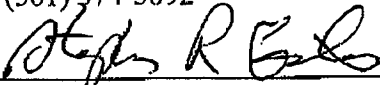


The Honorable David N. Laser

Date 7/23/07

Prepared by:

STEPHEN R. GILES, P.A.
425 West Capitol Avenue, Suite 3200
Little Rock, AR 72201-3469
Phone: (501) 687-0836
Fax: (501) 374-5092

By: 

Stephen R. Giles, #75046
Attorney for Plaintiff

cc: Phillip W. Crego, Esq.

SASU/MAN PARASITE-dali-halmozep1

IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS
WESTERN DIVISION

P&J DEVELOPMENT COMPANY

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Petitioner/Plaintiff's Motion for Default Judgment should be and hereby is GRANTED.

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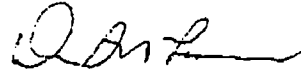
Date

7/23/07

15. 2007: the first pleading filed on behalf of defendant. City of Jonesboro, was its Motion to File Answer Out of Time with attached proffered Answer filed June 29, 2007.

2. The Motion for Default Judgment as filed by the plaintiff should be, and it is, hereby granted. Plaintiff's Default Motion was filed June 25, 2007, well after defendant, City of Jonesboro, was in default. With the denial of defendant's Motion to file late Answer, defendant remains in default and Default Judgment should be entered in accordance with plaintiff's Motion. The proposed Default Judgment submitted by plaintiff, P&J Development Company, is being executed/entered by the Court simultaneous with the entry of the within Order.

DONE AND ORDERED this 23rd day of July, 2007.



Circuit Judge

IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS
WESTERN DISTRICT
CIVIL DIVISION

P&J DEVELOPMENT COMPANY

PETITIONER/PLAINTIFF

VS.

NO. CV-2007-328 (DL)

CITY OF JONESBORO, ARKANSAS
by and through its Metropolitan
Area Planning Commission

RESPONDENT/DEFENDANT

**ORDER DENYING DEFENDANT'S MOTION TO FILE ANSWER OUT
OF TIME AND STRIKING PROFFERED ANSWER AND GRANTING
PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT**

Before the Court are two Motions, one being a Motion for Default Judgment, filed on behalf of the plaintiff, P&J Development, Inc., and the other, Motion to File Answer Out of Time, by the defendant, City of Jonesboro.

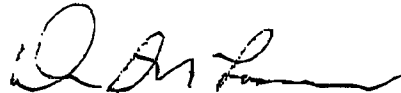
From a review of the pleadings in the file, including the Complaint of plaintiff, Waiver of Service of Process executed by Mayor Doug Forman for the City of Jonesboro, the Motion for Default, Motion to File Answer Out of Time, Response thereto, and other pleadings filed in this case, the Court deems that the pending Motions can be resolved fairly without the necessity of a hearing, and the Court rules upon said Motions as follows:

1. Defendant's request to have the Court consider an out of time Answer filed herein is respectfully denied, and the proffered Answer filed in the case is stricken. There is no basis alleged in the Motion to file late Answer which would amount to any justiciable basis for permitting the filing of a late Answer or considering its contents. Further, there was no request made within the time an Answer was permitted to extend the time for filing such an Answer. Complaint in this case was filed May 9, 2007; service was accepted by Mayor Forman on May

15, 2007; the first pleading filed on behalf of defendant, City of Jonesboro, was its Motion to File Answer Out of Time with attached proffered Answer filed June 29, 2007.

2. The Motion for Default Judgment as filed by the plaintiff should be, and it is, hereby granted. Plaintiff's Default Motion was filed June 25, 2007, well after defendant, City of Jonesboro, was in default. With the denial of defendant's Motion to file late Answer, defendant remains in default and Default Judgment should be entered in accordance with plaintiff's Motion. The proposed Default Judgment submitted by plaintiff, P&J Development Company, is being executed/entered by the Court simultaneous with the entry of the within Order.

DONE AND ORDERED this 23rd day of July, 2007.



Circuit Judge

Otis Spriggs

From: Phyllis Vaccari
Sent: Wednesday, August 01, 2007 11:15 AM
To: Otis Spriggs
Subject: P&J Dev. Plan and Final

Otis,

You are correct the Order entered 7-23-07 requires approval of the preliminary plat.

As to final approval it states "...proceed with consideration of the matters required for final plat...and"...to approve the final plat in accordance with City of JonesboroSubdivision Regulations..."

Accordingly, I think a final plat must be reviewed by the MAPC. Final approval should be granted on compliance with the items-approved in the preliminary plat.

Phillip



Counties
Clay
Craighead
Crittenden
Greene
Mississippi
Poinsett

David N. Laser
Circuit Judge, Division 9
Second Judicial District
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Court Reporter
Dianne Gibson, CCR
209 CR 306
Jonesboro, AR 72401
(870) 935-1213

July 23, 2007

Ms. Ann Hudson
Circuit Clerk
Craighead County Courthouse
511 Main Street
Jonesboro, AR 72401

RE: P&J DEVELOPMENT COMPANY V. CITY OF JONESBORO
CRAIGHEAD CIRCUIT (WD) NO.: CV-2007-328

Dear Ms. Hudson:

Please find herewith the following for filing in connection with the above matter:

1. Order Denying Motion to File Out of Time Answer and Striking Proffered Answer and Granting Plaintiff's Default Judgment.
2. Default Judgment.

Please file and return a file-marked copy to the Court for dissemination to counsel for the respective parties.

Best regards,

David N. Laser
Circuit Judge

DNL:bw
Enc:Stated

cc: Mr. Stephen R. Giles "Via Fax"
Mr. C. Burt Newell "Via Fax"
Mr. Ralph C. Ohm "Via Fax"
Mr. Phillip Crego "Via Fax"