

**FILED**

**IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS  
WESTERN DISTRICT  
CIVIL DIVISION 08 OCT 20 AM 11:51**

**HARVEY EDWARDS**

**PLAINTIFF  
CIRCUIT COURT CLERK**

**VS.**

**CASE NO.: CV-2005-385(JF)**

**CITY OF JONESBORO, A  
MUNICIPAL CORPORATION;  
DOUG FORMON, MAYOR;  
CECIL PROVINCE; JIM HARGIS;  
ALEC FARMER; ANN WILLIAMS;  
CHRIS MOORE; DARREL DOVER;  
JIMMIE ASHLEY; JUDY FURR;  
TIM MCCALL; MITCH JOHNSON;  
JOHN STREET; HAROLD PERRIN,  
(CITY COUNCIL)**

**DEFENDANTS**

**ORDER**

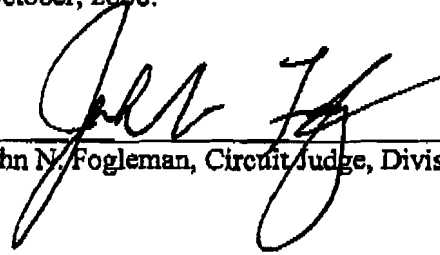
CAME ON to be heard on September, 18-19, 2008, the Court being in session, this cause of action having been submitted to the Court upon the Pleadings and exhibits filed herein, the summons issued against the Defendants, and the Proof of Services, showing proper service for the time and in the manner required by law, the evidence and stipulations introduced by the Plaintiff and Defendants, and other matters and proof, the Court finds and orders as follows:

1. The Plaintiff had a valid and enforceable contract to sell the property in question for Five Hundred Fifty Thousand Dollars (\$550,000.00) in September of 1998.
2. After the execution of the contract to sell the property (30+ acres), the presence of Methane gas was discovered on this property.
3. Prior to the discovery of the Methane gas the property had a substantial market value.

4. Subsequent to the discovery of the Methane gas the property had little or no value.
5. The Methane gas was a byproduct of the landfill operated by the City of Jonesboro on the adjoining property.
6. Methane gas is a natural byproduct of the landfill and it was foreseeable that the landfill would produce Methane gas that would migrate to adjoining properties.
7. It has not been established by any degree of proof as to when the Methane gas first invaded the plaintiff's property.
8. The plaintiff's property was "taken" by the City when the methane gas was first discovered on or after June 7, 1999.
9. Taking into consideration the testimony of all experts, the owner of the property and the other sale of property in the area by the owner, the property in question had a value of Three Hundred Eighty Seven Thousand Five Hundred Dollars (\$387,500.00) at the time of the "taking."
10. The time of the "taking" was difficult to determine and the value of the property (located next to a landfill) was in serious dispute and therefore prejudgment interest is not awarded.
11. The City of Jonesboro should pay the amount of Three Hundred Eighty Seven Thousand Five Hundred Dollars (\$387,500.00) to Plaintiff and Plaintiff should execute a deed to the City of Jonesboro.

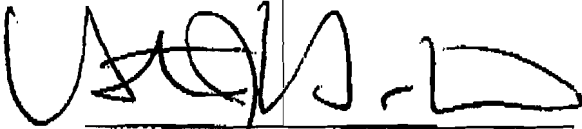
IT IS SO ORDERED.

DATED this the 13<sup>th</sup> day of October, 2008.



John N. Fogleman, Circuit Judge, Division 8

SUBMITTED BY:



Hunter J. Hanshaw, Attorney for Plaintiff

Law Bk 79 Pg 352-354  
DATE : 10-22-2008  
TIME : 03:30:00 PM  
RECORDED IN  
OFFICIAL RECORDS OF  
CRAIGHEAD COUNTY, AR.  
ANN HUDSON  
CIRCUIT CLERK

  
D.C.