

ARKANSAS COURT OF APPEALS, DIVISION II

Conway Lakeside, LLC; and Eaglecrest Recovery, LLC v.
Washington County, Arkansas; Washington County Quorum Court;
Patrick Deakins, in His Official Capacity as Washington County
Judge; Charles McKinney and Mary McKinney

Conway Lakeside, 2026 Ark. App. 246 (Ark. Ct. App. 2026) · No. CV-25-294 · Decided April 22, 2026

SUMMARY

The Arkansas Court of Appeals dismissed an appeal concerning a Washington County quorum court's denial of a conditional-use permit for a sober-living recovery program. The court held that a subsequent circuit-court order staying entry of the judgment eliminated any effective judgment for appellate review, particularly in light of a conflicting federal injunction. The court also denied as moot a motion to supplement the record.

CASE DETAILS

COURT	Arkansas Court of Appeals, Division II
WRITING FOR THE COURT	Brandon J. Harrison; Abramson; Virden
JURISDICTION	Arkansas Court of Appeals, Division II
DECIDED	April 22, 2026
DOCKET	CV-25-294
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from a Washington County Circuit Court order granting summary judgment to intervenors, declaring a county ordinance void, finding that the appellants' operation violated the prior ordinance, and granting a permanent injunction. The appeal was dismissed because a subsequent circuit-court order stayed entry and vacated the legal effect of the challenged judgment.
STANDARD OF REVIEW	Appellate jurisdiction and the existence of an appealable judgment were reviewed as matters of law. The court construed the circuit court's orders according to the court's intent as shown by the orders and the record.
PRECEDENTIAL VALUE	Published and precedential

PARTIES

Conway Lakeside, LLC, Eaglecrest Recovery, LLC v. Washington County, Arkansas, Washington County Quorum Court, Patrick Deakins, in His Official Capacity as Washington County Judge, Charles McKinney, Mary McKinney

TOPICS

appellate jurisdiction

final judgment rule

mootness

appellate procedure

civil procedure

PRACTICE AREAS

civil procedure

appellate procedure

municipal law

land use

civil rights

disability discrimination

QUESTIONS PRESENTED

1. Whether the January 2, 2025 circuit-court order staying entry of the judgment eliminated the legal effect of the December 17, 2024 order so that no appealable judgment remained.
2. Whether the appeal should be dismissed when the challenged circuit-court judgment had been rendered without legal effect before appellate review.

HOLDINGS

1. The January 2 order was intended to vacate the legal effect of the December 17 order, so there was no judgment remaining for the appellate court to review.
2. A judgment is not effective until it is entered.

KEY QUOTATIONS

“The January 2 order makes clear that the circuit court meant to vacate any legal effect of the December 17 order.” (at 5)

“Simply put, there is nothing for us to review. Appeal dismissed; motion denied as moot.” (at 6)

FACTUAL BACKGROUND

The Washington County Quorum Court denied Conway Lakeside and Eaglecrest Recovery a conditional use permit to operate a for-profit sober-living recovery program in a single-family neighborhood zoned for residential or agricultural use. Nearby property owners Charles and Mary McKinney intervened to defend the denial and seek an injunction. While the state-court proceedings were pending, Eaglecrest filed a federal action alleging disability discrimination, and the federal district court entered a preliminary injunction barring the county from requiring a conditional use permit or enforcing ordinances that required one.

PROCEDURAL HISTORY

The Washington County Quorum Court denied appellants a conditional use permit to operate a for-profit sober-living recovery program. The McKinneys intervened in appellants' circuit-court challenge, and the circuit court entered a December 17, 2024 order granting summary judgment and a permanent injunction requiring appellants

to cease operations. After a federal district court entered a conflicting preliminary injunction, appellants and the county defendants moved under Arkansas Rules of Civil Procedure 59 and 60 to vacate, modify, or stay the circuit-court judgment. On January 2, 2025, the circuit court stayed entry of the judgment and treated the postjudgment motion as premature. The Arkansas Court of Appeals held that the January 2 order removed the legal effect of the December 17 order, leaving nothing for appellate review, and dismissed the appeal.

DISPOSITION

dismissed

CASES CITED

- MMSC, LLC v. Washington County, 2026 Ark. 56, ____ S.W.3d ____
- Exigence, LLC v. Baylark, 2010 Ark. 306, 367 S.W.3d 550
- McKim v. Sullivan, 2019 Ark. App. 485, 588 S.W.3d 118
- Terry v. White, 374 Ark. 366, 288 S.W.3d 194 (2008)
- Brinkley Sch. Dist. v. Terminix Int'l Co., L.P., 2019 Ark. App. 445, 586 S.W.3d 694
- McCain Mall Co. Ltd. P'ship v. Nick's Bar Louie, Inc., 2025 Ark. App. 505

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