

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

OPINION

PER CURIAM.

Cite as 2026 Ark. App. 246 ARKANSAS COURT OF APPEALS DIVISION II No. CV-25-294 CONWAY LAKESIDE, LLC; AND Opinion Delivered April 22, 2026 EAGLECREST RECOVERY, LLC APPEAL FROM THE WASHINGTON APPELLANTS COUNTY CIRCUIT COURT [NO. 72CV-23-1033] V. HONORABLE DOUG MARTIN, JUDGE WASHINGTON COUNTY, ARKANSAS; WASHINGTON COUNTY QUORUM COURT; PATRICK DEAKINS, IN HIS OFFICIAL CAPACITY AS WASHINGTON COUNTY JUDGE; CHARLES MCKINNEY AND MARY MCKINNEY APPELLEES APPEAL DISMISSED; MOTION DENIED AS MOOT
BRANDON J. HARRISON, Judge This is a complicated case.

It began as an appeal from the Washington County quorum court’s decision to deny EagleCrest Recovery, LLC and Conway Lakeside, LLC (collectively, EagleCrest) a conditional use permit (CUP) to operate a for-profit “sober living” recovery program in a single-family neighborhood zoned for residential or agricultural use.

The quorum court denied the CUP by ordinance—Ordinance No. 2023- 26—the first of three we will discuss. 1 We call it the 2023 ordinance. EagleCrest appealed to circuit court under Ark. Code Ann. § 14-17-211 (Repl. 2013) and Ark. Dist. Ct. R. 9(f). Mary and Charles McKinney, siblings who own homes nearby, intervened to defend the CUP denial and enjoin EagleCrest’s operation.

That demonstrated some foresight: the simple permit appeal became a two-court (now three-court) game of whack-a-mole after EagleCrest filed a federal lawsuit alleging the county's permit decision discriminated against its clients because of disabling drug or alcohol addictions.

The county folded—or tried to, at least. In April 2024, the quorum court passed Ordinance No. 2024-36, which repealed the 2023 ordinance and expressed that “pursuant to federal law, [EagleCrest] should not have been required to apply for a conditional use permit.” But the McKinnys appealed the 2024 ordinance in the same docket.

On 17 December 2024, the court granted summary judgment on their motion. It concluded the 2024 ordinance was “null and void” and the 2023 ordinance was still in effect. It found EagleCrest's continued operation violated the 2023 ordinance and Washington County Code § 1320.07. It granted a permanent injunction requiring EagleCrest to “cease operations completely on or before January 4, 2025”—the only relief that order awarded.

But the federal case was still breathing. The next day, the federal district court entered an agreed preliminary injunction enjoining the county “from requiring [Eaglecrest] 1 In *MMSC, LLC v. Washington County*, 2026 Ark. 56, ___ S.W.3d ___, our supreme court held that a CUP decision by the same quorum court, also made by ordinance, was a quasi-judicial decision the circuit court should either have heard or reviewed de novo.

2 to have a conditional use permit” or “taking any steps to enforce any ordinance, rule, or policy that would require” it to have a CUP. The agreement was between EagleCrest and the county defendants; the McKinnys were not listed as parties. December 20, on the strength of the federal injunction, EagleCrest and the county defendants moved the circuit court to vacate or modify the December 17 order under Arkansas Rules of Civil Procedure 59 and 60.

Alternatively, they asked to stay the injunction until the federal case resolved. 2 Later that day, EagleCrest filed a notice of appeal from the December 17 order. It timely lodged the appellate record here; briefing closed in late September 2025. But the federal case was still moving.

In March, EagleCrest moved to supplement the record with two documents it says moot this appeal. 3 It asks us to remand with instructions “to dissolve the injunction and dismiss the underlying case with prejudice.” One attached document is an agreed order from federal court dismissing the federal case with prejudice in light of a \$500,000 settlement of EagleCrest's claims.

The other is a quorum court ordinance from December 2025 approving that settlement. In it, the quorum court finds that, pursuant to the settlement, EagleCrest is “not required to obtain a conditional use permit to continue operations” as contemplated at the time of its application 2 In a December 31 letter, the McKinnys' counsel told the circuit court he could not oppose a stay of the injunction as a practical matter, given the federal order not to enforce the 2023 ordinance through

the county's agents, but he was "certainly not stipulating or agreeing to such a stay." ³ We don't know whether either has been filed in circuit court.

3 in 2023 "and [is] considered grandfathered in under the Washington County zoning ordinances in place as of [its] application for a conditional use permit in 2023." The motion was passed to us with the case. We deny it as moot because this case is still raising its head below in circuit court.

On 2 January 2025, two days before the circuit court's injunction was to take effect, the court entered this order: ORDER TO STAY ENTRY OF THE JUDGMENT Before the Court is the Joint Motion for a New Trial or a Modification or Stay of the Judgment wherein the Plaintiffs and Defendants jointly requested this Court make new findings and conclusions of law and direct the entry of a new or amended judgment pursuant to Ark.

R. Civ. P. 59 and 60 or to stay entry of the judgment. By letter filed herein on December 31, 2024, the Intervenor do not object to a stay. In light of the preliminary injunction entered by the District Court for the Western District of Arkansas in Case No. 5:24-cv-05249-TLB ("Federal Action"), this Court will stay entry of the judgment entered herein on December 17, 2024.

Because entry of the judgment is stayed, the Plaintiffs' Joint Motion filed herein under Ark. R. Civ. P. 59 and 60 is premature and will not be addressed at this time. The parties are ordered to keep this Court timely aware of any determinative actions taken by the court in the Federal Action. Entry of Judgment is stayed until this Court rules otherwise. IT IS SO ORDERED.

Eaglecrest did not appeal that order. No one mentioned it in the briefing or appellate motion. There is a jurisdictionally significant difference between staying entry and staying enforcement of a judgment. A judgment is not effective until it is entered. *Exigence, LLC v. Baylark*, 2010 Ark. 306, 367 S.W.3d 550. It is entered when it is filed as described in 4 Administrative Order No. 2(b).

Ark. R. Civ. P. 58; Ark. R. App. P.–Civ. 4(d). The judgment the circuit court referred to had already been entered on December 17. The Arkansas Rules of Civil Procedure do not expressly contemplate staying entry of an order or judgment; and we particularly discourage doing so retroactively. But we have given effect to a retroactive stay at least once, in a case where staying entry of an order prevented conflict with our jurisdiction during an appeal.

McKim v. Sullivan, 2019 Ark. App. 485, at 11 n.4, 588 S.W.3d 118, 125 n.4. In any event, judgments "are construed like any other instruments; the determinative factor is the intention of the court, as gathered from the judgment itself and the record." *Terry v. White*, 374 Ark. 366, 372, 288 S.W.3d 194, 198 (2008).

The January 2 order makes clear that the circuit court meant to vacate any legal effect of the December 17 order. It could do so in the circumstances. The court ordered the stay in response to a

motion filed within ten days to vacate or modify and before that motion was deemed denied. Compare *Brinkley Sch. Dist. v. Terminix Int'l Co., L.P.*, 2019 Ark. App. 445, 586 S.W.3d 694.

The federal injunction the motion relied on was a compelling reason to grant relief from the December 17 order, which had done nothing but impose a conflicting injunction. The stay order reserved decision for a future point depending on events in the federal case. And it expressed that there was no longer a judgment to speak of: “[b]ecause entry of the judgment is stayed, the [postjudgment motion] filed herein under Ark.

R. Civ. P. 59 and 60 is premature and will not be addressed at this time.” Finally, the court stayed entry in a written order, ensuring that when it does enter judgment—whether by drafting and entering a new one, or lifting the stay on entry of this one—there will be a future written order from which a party could appeal. Cf. *5 McCain Mall Co. Ltd. P’ship v. Nick’s Bar Louie, Inc.*, 2025 Ark.

App. 505 (reviewing under Ark. R. App. P.–Civ. 2(a)(2) where circuit court’s order to close case to further filings left only a speculative possibility of a future order that could be appealed). Simply put, there is nothing for us to review. Appeal dismissed; motion denied as moot. ABRAMSON and VIRDEN, JJ., agree. RMP LLP, by: Seth M. Haines, Timothy C. Hutchinson, and Larry McCredy, for appellants.

Crouch, Harwell, Fryar & Ferner, PLLC, by: Steven S. Zega for separate appellees Charles McKinney and Mary McKinney. 6