

COURT OF APPEALS OF ARKANSAS, DIVISION IV

Oak Truck Lines, LLC v. Arcap Environmental, LLC

2025 Ark. App. 572 · No. CV-24-561 · Decided December 3, 2025

SUMMARY

The Arkansas Court of Appeals held that service on Oak Truck Lines was not perfected under Arkansas's long-arm statute because the plaintiff failed to send notice of service and a copy of the process by certified mail. Because service was not made within 120 days and no timely extension was requested, the court held that the default judgment was void and that the action must be dismissed without prejudice. The court reversed the circuit court's orders denying Oak Truck's motion to set aside the default judgment and motion to dismiss.

CASE DETAILS

COURT	Court of Appeals of Arkansas, Division IV
WRITING FOR THE COURT	Raymond R. Abramson; Thyer; Murphy
JURISDICTION	Arkansas Court of Appeals, Division IV
DECIDED	December 3, 2025
DOCKET	CV-24-561
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Oak Truck Lines appealed orders denying its motion to set aside a default judgment and its motion to dismiss. The appeal challenged whether Arcap Environmental perfected service under Arkansas's long-arm statute.
STANDARD OF REVIEW	Statutory-interpretation issues are reviewed de novo. A denial of a motion to set aside a default judgment is reviewed de novo when the appellant asserts that the judgment is void; other challenges are reviewed for abuse of discretion. The court also strictly construes statutory and rule-based service requirements and requires exact compliance.
PRECEDENTIAL VALUE	Published Arkansas Court of Appeals opinion
PARTIES	Oak Truck Lines, LLC v. Arcap Environmental, LLC

TOPICS

service of process

default judgment

motions to dismiss

statutory interpretation

appellate procedure

PRACTICE AREAS

civil procedure

appellate procedure

commercial litigation

QUESTIONS PRESENTED

1. Whether Oak Truck preserved its service-of-process arguments for appeal despite the circuit court's blanket denial orders.
2. Whether Arkansas Code Annotated section 16-58-120(b)(2) required Arcap to send Oak Truck notice of service and a copy of the process by certified mail to perfect service.
3. Whether the default judgment was void and the action had to be dismissed when service was not perfected within 120 days and no timely extension was sought.

HOLDINGS

1. Oak Truck preserved its service-of-process arguments because the circuit court's blanket denial orders encompassed all issues presented in Oak Truck's motions and supporting arguments.
2. Service was not perfected because Arkansas Code Annotated section 16-58-120(b)(2)(B) required Arcap to send Oak Truck, by certified mail, notice of service and a copy of the process at its last known address, and Arcap admittedly did not do so.
3. The default judgment was void, and the circuit court was required to dismiss the action without prejudice because service was not perfected within 120 days of filing the complaint and no timely motion to extend the service period was filed.

KEY QUOTATIONS

“The plain reading of section 16-58-120(b)(2)(B) shows that the disjunctive “or” was meant to separate “nonresident person” and “any resident person who has subsequently absented himself or herself physically from the state.”” (at 6)

“Accordingly, these two entities could only be separated by an “or.”” (at 6)

FACTUAL BACKGROUND

Arcap filed a single-count unjust-enrichment complaint against Oak Truck and served three copies of process on the Arkansas Secretary of State, notified the Secretary of State that service was being made under the long-arm statute, and paid the required fee. Arcap did not send Oak Truck notice of service and a copy of the process by certified mail or file the required return receipt. The circuit court entered a default judgment for \$92,565.96 in damages, plus costs and attorney fees, and later denied Oak Truck's motions challenging service.

PROCEDURAL HISTORY

Arcap filed an unjust-enrichment complaint against Oak Truck and attempted service through the Arkansas Secretary of State under the long-arm statute. The circuit court entered a default judgment for Arcap and later

denied Oak Truck's motions to set aside the judgment and dismiss the action. The Arkansas Court of Appeals held that service was not perfected, reversed the circuit court's orders, and dismissed the action without prejudice.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The opinion states that the action is reversed and dismissed without prejudice. No further remand instructions are provided.

CASES CITED

- Smith v. Sidney Moncrief Pontiac, Buick, GMC Co., 353 Ark. 701, 120 S.W.3d 525 (2003)
- Carruth v. Design Interiors, Inc., 324 Ark. 373, 921 S.W.2d 944 (1996)
- Thompson v. Potlatch Corp., 326 Ark. 244, 930 S.W.2d 355 (1996)
- Williams v. Stant U.S.A. Corp., 2015 Ark. App. 180, 458 S.W.3d 755
- Sloop v. Kiker, 2016 Ark. App. 125, at 4, 484 S.W.3d 696, 699
- Ark. Dep't of Hum. Servs. v. Ft. Smith Sch. Dist., 2015 Ark. 81, 455 S.W.3d 294
- Asset Acceptance, LLC v. Newby, 2014 Ark. 280, 437 S.W.3d 119
- Hardin v. Bishop, 2013 Ark. 395, 430 S.W.3d 49
- Eliasnik v. Y&S Pine Bluff, LLC, 2018 Ark. App. 138, at 16, 546 S.W.3d 497, 506
- Dachs v. Hendrix, 2009 Ark. 542, 354 S.W.3d 95
- Moore v. Moore, 2016 Ark. 105, 486 S.W.3d 766
- Andreasen v. S. Mountain Ests. Prop. Owners Ass'n, 2018 Ark. App. 530, at 7, 564 S.W.3d 262, 266
- Weisenbach v. Kirk, 104 Ark. App. 245, 251, 290 S.W.3d 614, 618
- Steward v. Kuettel, 2014 Ark. 499, 450 S.W.3d 672
- Glover v. Glover, 2020 Ark. App. 89, 595 S.W.3d 54
- Wine v. Chandler, 2020 Ark. App. 412, at 9-10, 607 S.W.3d 522, 528
- Jones v. Douglas, 2016 Ark. 166, at 7-8, 489 S.W.3d 648, 653

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