

SUPREME COURT OF ARKANSAS

Rogers v. Lamb

347 Ark. 102 (2001) · Decided December 6, 2001

SUMMARY

The Arkansas Supreme Court reviewed a circuit court order awarding possession of property to a surviving joint tenant and rejecting the appellant’s asserted homestead and equitable claims. The court held that the trial court improperly resolved the case sua sponte without an appropriate motion, evidentiary hearing, or proof concerning disputed facts such as the appellant’s marital status, residence, and contributions to the property. It reversed and remanded for an evidentiary hearing and further proceedings.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	W. H. "Dub" Arnold, Chief Justice
JURISDICTION	Arkansas
DECIDED	December 6, 2001
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from an order of the Crawford County Circuit Court resolving an ejectment and property-rights dispute in favor of the appellee after the court acted sua sponte without a motion to dismiss, motion for summary judgment, or motion for judgment on the pleadings.
STANDARD OF REVIEW	The opinion does not expressly identify a standard-of-review label. It reviewed the validity of the circuit court's sua sponte merits order and whether genuine issues of material fact remained.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion; precedential.
PARTIES	Glenda R. Rogers v. Irene Lamb

TOPICS

- summary judgment
- civil procedure
- appellate procedure
- real estate
- equitable relief

PRACTICE AREAS

- Civil procedure
- Appellate procedure
- Real property
- Equitable remedies

QUESTIONS PRESENTED

1. Whether the circuit court could resolve the merits of the ejectment and property-rights dispute sua sponte without a motion for summary judgment, motion to dismiss, or motion for judgment on the pleadings.
2. Whether the circuit court's order was invalid because the parties were not afforded an opportunity to present evidence or witness testimony and genuine issues of material fact remained.
3. Whether the circuit court should have transferred the case to chancery court.

HOLDINGS

1. The circuit court erred by resolving the case sua sponte in the absence of a proper motion under the Arkansas Rules of Civil Procedure.
2. The circuit court could not determine the existence or priority of the parties' property rights or the extent of Rogers's equitable counterclaims without receiving evidence where material facts remained disputed.
3. The transfer issue was moot because Arkansas's recently adopted Amendment 80 abolished courts of equity.

KEY QUOTATIONS

“On remand, the trial court must hold an evidentiary hearing before ruling on the merits of the existence or priority of the parties’ property rights and the extent of any equitable counterclaims.”

“Otherwise, the trial court puts the proverbial “cart before the horse” and entertains a purely academic question of law.”

FACTUAL BACKGROUND

John D. Rogers and his daughter, Irene Lamb, acquired the disputed property in 1986 as joint tenants with rights of survivorship, each allegedly paying one-half of the purchase price. John D. Rogers died on March 24, 2000, after which Lamb claimed fee-simple title and sought ejectment of Glenda R. Rogers, who claimed a constitutional homestead interest as the decedent's widow. Rogers also claimed an equitable interest based on contributions to the property's maintenance, improvements, insurance, and taxes. The circuit court decided the matter after reviewing briefs, without receiving evidence or testimony, even though the parties disputed facts concerning Rogers's marriage, residence, and contributions.

PROCEDURAL HISTORY

Irene Lamb filed a petition for ejectment against Glenda R. Rogers, claiming fee-simple title to property held jointly with her deceased father. Rogers asserted a constitutional homestead interest and alternatively sought equitable relief based on her contributions to the property; she also moved to transfer the matter to chancery court. After a preliminary hearing and review of the parties' briefs, the circuit court entered an order determining Lamb's title superior, issuing a writ of possession, denying equitable relief, and denying Rogers's post-order motions. The Supreme Court of Arkansas reversed and remanded; it declined to address the transfer-to-chancery issue because the abolition of courts of equity rendered that issue moot.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The circuit court must hold an evidentiary hearing before ruling on the merits of the existence or priority of the parties' property rights and the extent of any equitable counterclaims. It must first receive proof that Rogers was in fact the deceased's widow before considering the applicability of a homestead interest.

CASES CITED

- Dillard v. Resolution Trust Corp., 308 Ark. 357, 359, 824 S.W.2d 387, 388 (1992)