

Cite as 2011 Ark. 95

SUPREME COURT OF ARKANSAS

No. 10-1198

GARY WAYNE HOLDER,
APPELLANT,

VS.

RALPH STOKES,
APPELLEE,**Opinion Delivered** March 3, 2011REBRIEFING ORDERED;
APPELLEE'S PETITION FOR
EXTENSION OF TIME TO FILE
REPLY BRIEF MOOT.**PER CURIAM**

Appellant Gary Wayne Holder appeals from the circuit court's order finding that the real property in dispute passed directly to appellee Ralph Stokes by right of survivorship upon the death of his spouse, Dorothy Stokes. Holder argues on appeal that the circuit court erroneously applied the right of survivorship when making its determination, rather than distributing the property according to Ark. Code Ann. § 28-12-101 (Repl. 2004). However, Holder's brief is not in compliance with our rules because several documents vital to the analysis of this case were not included in the addendum. As a result, we cannot consider the appeal at this time and order rebriefing.

Arkansas Supreme Court Rule 4-2(a)(8)(A)(i) states in pertinent part:

The addendum must include the following documents:

. . . .

all motions . . . responses, replies, exhibits, and related briefs, concerning the order, judgment, or ruling challenged on appeal.

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....

any document essential to an understanding of the case and the issues on appeal, such as a will, contract, lease, note, insurance policy, trust, or other writing

....

any other pleading or document in the record that is essential for the appellate court to confirm its jurisdiction, to understand the case, and to decide the issues on appeal.

The following were not included in the addendum: (1) the trial briefs of each party, containing their arguments to the circuit court; (2) the deeds conveying the relevant property to Dorothy and Ralph Stokes; and (3) all the relevant probate documents—including the last will and testament of Dorothy Stokes. Accordingly, we order appellant to file a substituted abstract, addendum, and brief curing the deficiencies in the addendum within fifteen days from the date of entry of this order. We consider our foregoing identification of essential and missing items to, in no way, be an exclusive or exhaustive list, and therefore strongly encourage appellate counsel, prior to filing the substituted brief, abstract, and addendum to review our rules as well as the substituted addendum and brief to ensure that no additional deficiencies are present. If Holder fails to do so within the prescribed time, the order appealed from may be affirmed for noncompliance with Rule 4-2. *See* Ark. Sup. Ct. R. 4-2(b)(3). After service of the substituted abstract, addendum, and brief, the appellee shall have an opportunity to revise or supplement his brief in the time prescribed by the clerk.¹

Rebriefing ordered; appellee's petition for extension of time to file reply brief moot.

¹As the appellee will have a chance to file a brief after a substituted brief is filed by the appellant, appellee's petition for extension of time to file reply brief is moot.