

**ARKANSAS COURT OF APPEALS**DIVISION II  
No. CV-14-968BOBBY H. WEATHERFORD,  
REBECCA S. DOWNING, AND  
TERRY K. WEATHERFORD  
APPELLANTS

V.

ARKANSAS RECLAMATION  
COMPANY, LLC, THE KENNETH H.  
SANSON REVOCABLE TRUST, and  
THE PEGGY J. SANSON REVOCABLE  
TRUST

APPELLEES

Opinion Delivered NOVEMBER 18, 2015

APPEAL FROM THE WHITE  
COUNTY CIRCUIT COURT  
[NO. CV-2009-241]HONORABLE TOM HUGHES,  
JUDGE

APPEAL DISMISSED

**DAVID M. GLOVER, Judge**

Appellants Bobby H. Weatherford, Rebecca S. Downing, and Terry K. Weatherford (collectively “Weatherfords”) appeal the White County Circuit Court’s decision denying their petition to confirm and quiet title in 1.37 acres by either adverse possession or boundary by acquiescence. We dismiss this appeal because we do not have a final, appealable order.

The Weatherfords filed their petition to confirm and quiet title in March 2009 against appellees Arkansas Reclamation Company, LLC (ARC), the Kenneth H. Sanson Revocable Trust, and the Peggy J. Sanson Revocable Trust (jointly the Sanson Trusts).<sup>1</sup> ARC and the Sanson Trusts filed separate answers denying the Weatherfords’ claims; the Sanson Trusts also

---

<sup>1</sup>The Sanson Trusts purchased the land in question in 2005 and sold it to ARC in 2007.

filed a separate counterclaim alleging the tort of abuse of process. The Weatherfords responded to the Sanson Trusts' counterclaim. The Weatherfords then filed an amended petition to confirm and quiet title, to which both ARC and the Sanson Trusts responded. After a hearing on the merits and the filing of posttrial briefs, the trial court denied the Weatherfords' petition to confirm and quiet title. The Weatherfords timely filed this appeal.

Although neither party raises the issue, the question whether an order is final and subject to appeal is jurisdictional, which our court will raise sua sponte. *Jacobs v. Collison*, 2015 Ark. App. 420. Here, the trial court never addressed the Sanson Trusts' counterclaim. When a trial court does not rule on a counterclaim, it is still outstanding, and the resulting order is not final. *Berry v. Moon*, 2011 Ark. App. 78. Because the order is not final and appealable, the appeal must be dismissed.

Appeal dismissed.

HIXSON and HOOFFMAN, JJ., agree.

*Lightle, Raney, Streit & Streit, LLP*, by: *Susannah R. Streit*, for appellants.

*Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C.*, by: *Alex T. Gray*, for appellees.