

Cite as 2023 Ark. App. 136
ARKANSAS COURT OF APPEALS
DIVISION II
No. CV-22-270

IN THE MATTER OF THE ESTATE OF
ADOLPH JOHNSON

STEPHANIE JOHNSON,
INDIVIDUALLY; AND GWENDOLYN
AKINS, AS HER NEXT FRIEND

APPELLANTS

V.

FELECIA PARKER-GREEN

APPELLEE

Opinion Delivered March 8, 2023

APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT,
THIRTEENTH DIVISION
[NO. 60PR-20-1697]

HONORABLE W. MICHAEL REIF,
JUDGE

REMANDED TO SETTLE AND
SUPPLEMENT THE RECORD

CINDY GRACE THYER, Judge

Stephanie Johnson, individually; and Gwendolyn Akins, as her next friend, appeal the Pulaski County Circuit Court’s order finding Felecia Parker-Green to be a legitimate heir of Adolph Johnson, deceased. More specifically, Johnson and Akins claim that Parker-Green failed to commence an action or assert a claim against Adolph Johnson’s estate within 180 days of his death as required by Arkansas Code Annotated section 28-9-209 (Repl. 2012) to be considered an heir. Because our record does not contain all the documents necessary for our review, we order supplementation of the record.

Adolph Johnson died intestate on November 23, 2017. It is undisputed that Stephanie Johnson is Adolph Johnson’s legitimate child and is an heir to his estate. Felecia

Parker-Green, along with Tony Lavell Nelson and Anna Louise Lewis, are the alleged illegitimate children of Adolph Johnson and also claim to be heirs to his estate.

At the time of his death, Adolph Johnson had an estate valued at less than \$100,000. An affidavit for collection of small estate by distributees was filed in the Pulaski County Circuit Court (case No. 60PR-18-59) on January 10, 2018, and on March 22, 2018, Parker-Green objected to the filing, claiming she, Nelson, and Lewis are also Adolph Johnson's children and are entitled to inherit a portion of his estate. The small-estate case was subsequently dismissed on October 2, 2020, because it was not the proper forum to litigate contested matters.

On October 9, 2020, Johnson and Akins filed a petition for the administration of the estate of Adolph Johnson and asked the court to find that Johnson is the only legitimate child of Adolph Johnson (case No. 60PR-20-1967). A hearing to determine heirship was held on January 27, 2022. After the hearing, the circuit court held that Parker-Green had filed a claim against the estate within 180 days of Adolph Johnson's death, thereby satisfying the statutory requirements to be deemed an heir. The court then declared Stephanie Johnson and Felecia Parker-Green to be the sole legitimate heirs of Adolph Johnson for purposes of his estate.

In making its determination that Parker-Green had satisfied the statutory requirements for heirship, the court relied, at least in part, on documents filed in the prior companion case, *In re Estate of Adolph Johnson*, No. 60PR-18-59. Although appellants

designated the pleadings in the companion case in their notice of appeal, those documents were not included in the record below and have not been included in our record on appeal.

If anything material to either party is omitted from the record, by error or by accident, we may direct that the omission be corrected and, if necessary, that a supplemental record be certified and transmitted. See Ark. R. App. P.-Civ. 6(e). As the pleadings in *In re Estate of Adolph Johnson*, No. 60PR-18-59, are critical to our appellate review of this case, we remand the case to the circuit court to settle the record to include those pleadings considered by the circuit court and designated in appellant's notice of appeal. Upon completion of the record below, appellants shall then transmit a certified copy of the supplemental record to the clerk of our court. Appellants have fifteen calendar days in which to settle and supplement the record.

Remanded to settle and supplement the record.

WOOD and BROWN, JJ., agree.

Bennie O'Neal, for appellants.

One brief only.