Not Designated for Publication

ARKANSAS COURT OF APPEALS

DIVISION I
No. CA08-348

VONTIFANY SMITH
APPELLANT

V.

SHERWOOD IMPORTS, INC.
APPELLEE

Opinion Delivered October 8, 2008

APPEAL FROM THE PULASKI COUNTY CIRCUIT COURT, [NO. CV2007-4698]

HONORABLE TIM FOX, JUDGE

DISMISSED

LARRY D. VAUGHT, Judge

Appellant, Vontifany Smith, appeals from an order in favor of appellee, Sherwood Imports, Inc. Because the order does not constitute a final judgment, we dismiss the appeal.

Smith bought a car from Sherwood Imports and financed part of the purchase price. When she fell behind on payments, Sherwood repossessed the car. Sherwood then sued Smith, claiming to have sold the car for $3500 and seeking a $6596.40 deficiency balance. Smith answered that she was improperly notified of the sale and that the sale was not commercially reasonable. The case was tried by the circuit court as fact-finder.

After trial, the court determined that Sherwood still owned the car and that no sale had occurred. Consequently, the court granted Sherwood a judgment for $9646.40, plus other fees and costs, but added the following:

> Plaintiff [Sherwood] is ordered to sell the vehicle which is the subject of this lawsuit at a public sale for the best price available and ordered to appropriately publish notice of that sale along with notice to Defendant [Smith] and her attorney. *The amount received as the purchase price for that vehicle at this sale shall be deducted from the above judgment.*

> *The balance of the judgment after giving credit for the proceeds from the sale and deducting the cost of the sale shall be the final judgment* and garnishment or execution may issue against Defendant on that judgment.

(Emphasis added.)

Smith appeals from this order. However, it is not a final judgment. The amount of a final judgment must be computed, as near as possible, in dollars and cents. *See Morton v. Morton*, 61 Ark. App. 161, 965 S.W.2d 809 (1998). *See also Hernandez v. Hernandez*, 371 Ark. 323, ___ S.W.3d ___ (2007); *Office of Child Support Enforcement v. Oliver*, 324 Ark. 447, 921 S.W.2d 602 (1996); *Estate of Hastings v. Planters & Stockmen Bank*, 296 Ark. 409, 757 S.W.2d 546 (1988); *Thomas v. McElroy*, 243 Ark. 465, 420 S.W.2d 530 (1967). It is not sufficient that an order states a formula by which damages may be calculated. *See Villines v. Harris*, 362 Ark. 393, 208 S.W.3d 763 (2005). The judgment should state the amount the defendant is required to pay. *See Thomas*, *supra*.

Here, the amount Smith was required to pay Sherwood remained unresolved at the time the above order was entered. *See Oliver*, *supra*. The amount could not be quantified or executed upon until the car was sold. *See Allen v. Allen*, 99 Ark. App. 292, 259 S.W.3d 480 (2007) (holding that a divorce decree was not final where it fixed one party's marital interest at $40,000, to be offset by the undetermined sale proceeds of other items). Therefore, the order was not a final judgment, and this court lacks jurisdiction to hear the appeal. *See McKinney v. Bishop*, 369 Ark. 191, 252 S.W.3d 123 (2007). Accordingly, we dismiss the appeal without prejudice. *See id.*

Dismissed.

ROBBINS and MARSHALL, JJ., agree.