

ARKANSAS COURT OF APPEALSDIVISION II
No. CA10-1159

MARSHA CRINER

APPELLANT

V.

DONNA REDDELL

APPELLEE

Opinion Delivered OCTOBER 12, 2011

APPEAL FROM THE BOONE
COUNTY CIRCUIT COURT,
[NO. CV2009-112-4]HONORABLE GORDON WEBB,
JUDGE

REBRIEFING ORDERED

DAVID M. GLOVER, Judge

At issue in this appeal are various items of real and personal property owned by appellee Donna B. Reddell and her deceased husband, Willard D. Reddell. Appellant Marsha Criner is one of the decedent's two surviving children and the stepdaughter of appellee. The Boone County Circuit Court set aside a deed from the decedent and appellee to appellant on the basis that appellee lacked the intent to execute a deed. Appellant appeals from this portion of the court's decision. The court also found that a horse trailer and thirteen head of cattle belonged to appellant. Appellee challenges this aspect of the court's ruling on cross-appeal. Because neither party's addendum is in compliance with Arkansas Supreme Court Rule 4-2(a)(8), we do not consider the appeal at this time and order rebriefing.

Rule 4-2(a)(8) requires the addendum to contain all documents in the record that "are essential for the appellate court to confirm its jurisdiction, to understand the case, and to decide the issues on appeal." Specifically, the Rule requires "the pleadings . . . all motions .

. . . , responses, replies, exhibits, and related briefs, concerning the order, judgment or ruling challenged on appeal” to be included. Ark. Sup. Ct. R. 4-2(a)(8)(A)(i) (2010).

In this case, the circuit court relied on posttrial briefs in considering the validity of the deed from the decedent and appellee to appellant. However, appellant failed to include either party’s posttrial brief in her addendum on direct appeal. Without their briefs, we cannot determine whether the parties’ arguments are properly preserved. *Bryan v. City of Cotter*, 2009 Ark. 172, at 4–5, 303 S.W.3d 64, 66–67. Likewise, appellee has filed a cross-appeal challenging the validity of conveyances of cattle and a livestock trailer awarded to appellant on her replevin claim. However, appellee has failed to include either party’s pleadings relating to that claim in her addendum on cross-appeal. As noted above, the pleadings are necessary to our understanding of the case and must be included in the addendum on cross-appeal. Therefore, we order rebriefing by both parties.

Specifically, we order each party to cure the deficiency of their respective addendum by filing supplemental addenda to provide the additional materials pursuant to Rule 4-2(b)(4) within seven calendar days of entry of this order. See *In re Ark. Supreme Court & Court of Appeals Rule 4-2(b)*, 2011 Ark. 141 (per curiam). Of course, the parties may file a joint supplemental addendum that contains all of the missing documents. In the event either party fails to file a complying brief within that time period, the judgment may be affirmed for noncompliance with the rule. *Id.*

Rebriefing ordered.

ABRAMSON and MARTIN, JJ., agree.