

ARKANSAS COURT OF APPEALS

DIVISION I
No. CA12-299

MYRTLE STEVENS

APPELLANT

V.

SEECO, INC.; DOROTHY HALL;
ROBERT L. HALL; JAMES F. HALL;
MELANIE HALL CAMPBELL; JOHN C.
HOGAN as Trustee of the Stella Hall
Simpson Revocable Trust; BETTY SEVER;
JOE HOGAN; JANE HOGAN, JOHN C.
HOGAN; BOB ED HOGAN; MICHAEL
IRBY; SARAH A. IRBY; CHARLES
SEVER, JR.; ROBIN A. SEVER; and
LELVA HUIE

APPELLEES

Opinion Delivered November 7, 2012

APPEAL FROM THE VAN BUREN
COUNTY CIRCUIT COURT
NO. CV2010-181-2]

HONORABLE MICHAEL A.
MAGGIO, JUDGE

APPEAL DISMISSED

ROBIN F. WYNNE, Judge

Myrtle Stevens appeals from an order of partial summary judgment denying her claim to the mineral rights in a forty-acre plot in Van Buren County. Because the order is not final, we dismiss the appeal.

Stevens claimed ownership of the mineral rights through a 1947 deed to her father and subsequent deeds to her. In 2006, she obtained a court order quieting title in her to the forty acres and its minerals. The fifteen individual appellees herein (“the Hall heirs”) and approximately sixty-five other persons claimed mineral rights in the property through a 1930 deed to their ancestor/predecessor, W.E. Hall. In recent years, Stevens and the Hall heirs

executed mineral leases with different companies—Stevens with Revard Petroleum, LLC, and the Hall heirs with appellee SEECO, Inc.

On June 30, 2010, SEECO filed an interpleader action naming Stevens, the Hall heirs, and the sixty-five other claimants as defendants. The complaint alleged that the defendants' competing claims to the mineral rights exposed SEECO to multiple liability for royalties, and SEECO sought orders (1) setting aside Stevens's 2006 quiet-title decree; (2) requiring the defendants to set forth their claims to the mineral interests; and (3) allowing SEECO to deposit royalties into the court registry and to recover, from those deposits, its costs and expenses incurred in prosecuting the interpleader action. Stevens answered that her quiet-title decree was valid and that the deed to W.E. Hall, through which the Hall heirs claimed their royalties, did not convey any mineral rights in the subject property. The Hall heirs answered that they possessed mineral rights as the descendants of W.E. Hall, and they set forth the precise fractional amount of their individual interests. Other defendants responded that their interests should be severed and the royalties paid directly to them, or they cross-claimed against Stevens to quiet title to their interests in the property.

In early 2011, SEECO began depositing royalties with the circuit clerk pursuant to a court order. SEECO and the Hall heirs then filed a motion for partial summary judgment, in which the other parties did not join. The motion set forth the following issues to be resolved: (1) whether Stevens's 2006 quiet-title decree should be set aside; (2) who owned the mineral rights as between Stevens and the Hall heirs; (3) if the Hall heirs were the owners, a determination of their respective ownership interests; (4) SEECO's entitlement to costs and

expenses from the royalty deposits. Stevens filed a cross-motion for partial summary judgment, conceding the invalidity of the 2006 quiet-title decree but maintaining that the 1930 deed to W.E. Hall conferred no mineral rights in the Hall heirs.

Following a hearing, the circuit court granted partial summary judgment to SEECO and the Hall heirs. In its order, the court set aside Stevens's 2006 quiet-title decree and ruled that the deed to W.E. Hall vested the mineral rights in the Hall heirs, rendering their leases with SEECO valid. Stevens filed this appeal.

An order granting partial summary judgment is not a final, appealable order in that it does not resolve all of the claims in the action or the rights and liabilities of all of the parties. *Brasfield v. Murray*, 96 Ark. App. 207, 239 S.W.3d 551 (2006) (per curiam); Ark. R. Civ. P. 54(b)(2) (2012). Here, the court's order is truly "partial" in nature because it addressed only two of the several matters at issue: the validity of the 2006 quiet-title decree and the ownership of the minerals as between Stevens and the Hall heirs. The order did not adjudicate the particular ownership interests of each of the Hall heirs, the ownership interests of the other defendants, or the amount of costs and expenses recoverable by SEECO from the deposited royalties. In the absence of a certificate executed in accordance with Arkansas Rule of Civil Procedure 54(b) (which was not contained in the present judgment), a judgment that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties shall not terminate the action. Ark. R. Civ. P. 54(b)(2).

Because the record in this case lacks a final order or a properly executed Rule 54(b) certificate, our court is without jurisdiction to hear the merits of this appeal. *Mason v. Mason*,

2012 Ark. App. 393. The appeal must therefore be dismissed without prejudice.

Dismissed without prejudice.

VAUGHT, C.J., and BROWN, J., agree.

John C. Aldworth, for appellants.

Daily & Woods, PLLC, by: *Robert R. Briggs* and *Colby T. Roe*, for appellee.