

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
NORTHERN DIVISION**

**FIRST NATIONAL BANK  
OF IZARD COUNTY**

**PLAINTIFF**

**V.**

**CASE NO. 1:15-CV-5-BD**

**EVERGREEN PROCESSING LLC, f/k/a  
B & H RESOURCES, LLC, et al.**

**DEFENDANTS**

**ORDER**

Celtic Bank (“Celtic”) has filed a motion for partial summary judgment against Defendant Evergreen Processing, LLC. (Docket entry #82) The motion was properly supported with affidavits (#82 at 9-20) establishing a *prima facie* case of entitlement to an *in personam* partial summary judgment against Defendant Evergreen Processing, LLC (“Evergreen”), based on two promissory notes Haynesville Shale Rentals, LLC (“Haynesville”) entered into with Celtic.

Celtic and Haynesville entered into the first note, “the Count I Note,” on or around May 7, 2010. (#39-1) The note is secured by a mortgage and assignment of rents Defendant Evergreen gave to Celtic on real property located in Izard County, Arkansas. (#39-2, #39-3) Evergreen executed a substituted mortgage and assignment of rents at Celtic’s request on or around September 11, 2012. (#39-7, #39-8) The Count I Note is also secured by a commercial guaranty from Evergreen. (#39-10)

Celtic and Haynesville entered into the second note, “the Count II Note,” on or around July 23, 2013. (#39-15) The Note is secured by a commercial guaranty from Evergreen. (#39-19)

Defendant Helen Bartmess has responded to Celtic's motion for partial summary judgment. (#85) Ms. Bartmess objects to Celtic's request that the Court declare that Celtic has a priority lien on the real property and that the land be sold subject to the lien. Celtic has replied to the response (#89) and clarified that its motion seeks only partial summary judgment *in personam* against Evergreen, and it requests that the Court retain jurisdiction over the parties to settle claims involving the real estate and the frac sand.

Celtic's motion for partial summary judgment *in personam* against Evergreen is GRANTED. Celtic Bank is awarded judgment against Evergreen Processing, LLC in the amount of \$4,563,590.72 as of April 27, 2016 plus interest at 6% per annum until paid in full; and judgment in the amount of \$115,213.90 as of April 27, 2016 plus interest at 18% per annum until paid in full. The Court maintains jurisdiction over the parties to settle claims related to the real estate and frac sand.

IT IS SO ORDERED, this 19th day of January, 2017.

  
UNITED STATES MAGISTRATE JUDGE