

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

**CENTENNIAL BANK,
Guardian of the Estate of
Mary Moore Stiny**

PLAINTIFF

v.

No. 3:17-cv-226-DPM

RENA WOOD

DEFENDANT

JUDGMENT

1. Counts I, IV, V, and VII of Centennial Bank's second amended complaint are dismissed without prejudice.

2. Counts II and III were tried to a twelve-person jury from 11 December 2018 to 14 December 2018 in Jonesboro. The jury returned a unanimous verdict for Rena Wood and against Centennial Bank, No 271, which is incorporated. Counts II and III of the Bank's second amended complaint are therefore dismissed with prejudice.

3. Counts VI, VIII, and IX were tried to the Court. On Court VI: Based on the jury's verdict, Rena Wood is not disqualified from serving as a trustee. But the Court declares that it is in the best interest of Mrs. Stiny and all the beneficiaries of the Elijah and Mary Stiny Trust, and all its sub-trusts, that Wood serve only with a co-trustee. The Court will appoint one in due course. Centennial Bank prevailed and is entitled

to this partial declaratory judgment on Count VI of its second amended complaint. Count VI is otherwise dismissed with prejudice.

4. Count VIII is dismissed with prejudice because no constructive trust is justified based on the jury's verdict, which binds the Court.

5. On Count IX: The Court declares that Rena Wood became the successor co-trustee of the Survivor's Trust of the Elijah and Mary Stiny Trust on 14 March 2016 when Mrs. Mary Moore Stiny was found incompetent. Wesley Gates having failed to serve as the other successor co-trustee, the Court declares that position vacant. The Court will appoint a successor co-trustee in place of Gates in due course. The Court further declares that Centennial Bank is entitled to partial judgment on the part of Count IX of the second amended complaint that seeks appointment of a successor trustee. The Court will appoint a successor co-trustee of the Survivor's Trust and a trustee of the Exemption Trust or subtrusts. Count IX is otherwise dismissed with prejudice.

6. The Court retains jurisdiction to make the trustee appointments and resolve ongoing issues about fees, expenses, and administration of the Elijah and Mary Stiny Trust, and all its sub-trusts.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

25 February 2019