

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

PRIMERICA LIFE INSURANCE COMPANY

PLAINTIFF

v.

NO. 4:11CV00799 JLH

ALDAY S. PHILLIPS; KORWYN A. MILLER;
KEYLON K. PHILLIPS; ALFREDRICK PHILLIPS, JR.;
DOMINIQUE WATSON, as mother and natural
guardian of Cacedrick J. Phillips, a minor, on behalf
of Cacedrick J. Phillips; MELISSA GRIMES, as
mother and natural guardian of Chanel Phillips,
a minor, on behalf of Chanel Phillips; and
FORD ACCEPTANCE CORPORATION

DEFENDANTS

ORDER

This is an interpleader action brought by Primerica Life Insurance Company pursuant to 28 U.S.C. § 1335 and § 1397. All of the defendants have been served with summons and complaint. All of the defendants have answered except for two, and the time for answering has run as to those two defendants. The following facts are alleged in the complaint and admitted in the answers.

Primerica Life Insurance Company issued a policy of life insurance on the life of Alfredrick Phillips, Sr., in the amount of \$125,000, with an increasing benefit rider of \$63,000, for a total amount of \$188,000. On July 29, 2011, Alfredrick Phillips, Sr., was found dead at his home. The death certificate reflects that he died as a result of multiple gunshot wounds. Law enforcement officials have concluded that the death was a homicide. Alfredrick Phillips, Sr., died unmarried. He is survived by six children: Alday S. Phillips; Korwyn A. Miller; Keylon K. Phillips; Alfredrick Phillips, Jr.; Cacedrick J. Phillips; and Chanel Phillips. Alfredrick Phillips, Sr., listed the six children as equal beneficiaries of the life insurance policy mentioned above. Law enforcement officials have advised that one or more of Alfredrick Phillips, Sr.'s children are believed to be

involved in the death but have declined to identify which child or children are the subject of the investigation. Primerica Life Insurance Company named Ford Acceptance Corporation as a defendant because Alday S. Phillips, Korwyn A. Miller, and Keylon K. Phillips assigned Ford Acceptance Corporation a portion of their benefits to pay for the funeral of Alfredrick Phillips, Sr.

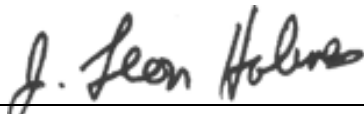
Under Arkansas law, one who wrongfully kills another is not permitted to profit from the crime. *Middleton v. Lockhart*, 344 Ark. 572, 583, 43 S.W.3d 113, 121 (2001); *Luecke v. Mercantile Bank of Jonesboro*, 286 Ark. 304, 307-08, 691 S.W.2d 843, 846 (1985). Because it has not been determined who killed Alfredrick Phillips, Sr., Primerica Life Insurance Company cannot ascertain which, if any, of the beneficiaries of Alfredrick Phillips, Sr., may be ineligible to receive proceeds from the policy.

Primerica Life Insurance Company therefore has requested that it be allowed to interplead the life insurance benefits into the registry of the Court and be discharged from the action. Ford Acceptance Corporation, Melissa Grimes, as mother and natural guardian of Chanel Phillips, Korwyn A. Miller, Alday S. Phillips, and Alfredrick Phillips, Jr., have answered. Each answer admits the allegations in the complaint. Dominique Watson, as mother and natural guardian of Cacedrick J. Phillips, a minor, was personally served on December 7, 2011; and Keylon K. Phillips was served in person on January 24, 2012. The time for filing an answer for these two defendants has expired.

The request for Primerica Life Insurance Company to be allowed to deposit the proceeds of the life insurance policy into the registry of the Court is granted. Primerica Life Insurance Company may deposit the sum of \$188,000 into the registry of the Court. The Clerk is directed to accept that sum from Primerica Life Insurance Company and to deposit that sum in an interest-bearing account

pending further orders of the Court. After making the deposit, Primerica Life Insurance Company may file a motion to be dismissed from the action. Thereupon, the Clerk will issue an initial scheduling order pursuant to Local Rule 16.1.

IT IS SO ORDERED this 22nd day of February, 2012.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE