

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

STOWELL INVESTMENTS, INC.

PLAINTIFF

v.

No. 4:20-cv-1169-DPM

**MARTHA W. BRODAY and KIMBERLY
A. HOLMES, Trustee of the Martha W.
Broday Irrevocable Trust**

DEFENDANTS

ORDER

1. Sean Stowell and Martha Broday are going through a divorce in state court, and they dispute ownership of about 115 acres of property in Cleburne County. This federal action revolves around three deeds for that property. Stowell Investments contends these deeds were valid and gave it ownership. Broday and Holmes seek to dismiss the complaint. They say this Court can't hear the case because of the domestic relations exception to jurisdiction; alternatively, they ask the Court to abstain.

2. The domestic relation exception "divests the federal courts of jurisdiction over any action for which the subject is a divorce, allowance of alimony, or child support," including "the distribution of marital property." *Wallace v. Wallace*, 736 F.3d 764, 766 (8th Cir. 2013). The Court can't hear Stowell Investments' complaint if the requested relief is "inextricably intertwined" with the couple's state court divorce

proceeding. 736 F.3d at 767. It is. Broday has counterclaims in the state court action related to the property. The Broday Trust has intervened in that case and presses its own property-related causes of action. The Circuit Court of Cleburne County has ordered the property sold and the sale proceeds deposited into its registry. And the present issues surrounding the Cleburne County property – ownership, whether it’s marital or non-marital, whether the Broday Trust has a lien on it – are inextricably intertwined with the divorce proceeding. The Court has no subject matter jurisdiction in the circumstances.

* * *

Broday and Holmes’s motion to dismiss, *Doc. 4*, is granted.

So Ordered.

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

17 November 2020