

## ARKANSAS COURT OF APPEALS

DIVISION I  
No. CA10-1016

JOHN LOUIS McCLURE  
APPELLANT/CROSS-APPELLEE

V.

TRACY KARA SCHOLLMIER-  
McCLURE  
APPELLEE/CROSS-APPELLANT

Opinion Delivered June 1, 2011

APPEAL FROM THE PULASKI  
COUNTY CIRCUIT COURT,  
SIXTEENTH DIVISION  
[NO. DR 2009-3129]

HONORABLE ELLEN B.  
BRANTLEY, JUDGE

REMANDED TO SETTLE AND  
SUPPLEMENT THE RECORD;  
SUBSTITUTED BRIEF AND  
ADDENDUM ORDERED

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**RITA W. GRUBER, Judge**

Appellee/Cross-Appellant Tracy Kara Schollmier-McClure and Appellant/Cross-Appellee John Louis McClure were divorced after a final hearing on March 26, 2010. A divorce decree was entered of record on June 9, 2010, and a second decree was entered of record on July 9, 2010. Mr. McClure filed a notice of appeal of both decrees, and Ms. Schollmier-McClure filed a notice of cross-appeal. Mr. McClure filed a motion to dismiss his appeal, which this court granted on December 8, 2010. In Ms. Schollmier-McClure's cross-appeal now before us, she asserts that the trial court erred in failing to recognize the Little Rock home as nonmarital property and in ruling that a portion of Mr. McClure's credit-card debt was a marital debt. We are unable to reach the merits of her arguments because of

deficiencies in the record and addendum; specifically, Ms. Schollmier-McClure has failed to file a record and brief sufficient for our review under Arkansas Rule of Appellate Procedure—Civil 6 (2010) and Arkansas Supreme Court Rule 4-2 (2011).

The final disposition of Mr. McClure’s credit-card debt is vital to this court’s understanding of the issues on appeal. The June decree unequivocally finds that a portion of Mr. McClure’s credit-card debt is a marital debt; however, the July decree does not.<sup>1</sup> Without the complete July decree in the record, brief, and addendum, this court is unable to determine if the trial court erred. When anything material to either party is omitted from the record, the appellate court on its own initiative may direct that the omission shall be corrected, and if necessary, that a supplemental record be certified and transmitted. Ark. R. App. P.—Civ. 6(e). Accordingly, we remand the case to the circuit court to supplement the record. Ms. Schollmier-McClure has thirty calendar days from the date of this opinion to file a supplemental record that includes a complete copy of the July decree with our clerk’s office. We note that no correction or modification of the record shall be made without prior notice to all parties. *Id.*

Ms. Schollmier-McClure has also failed to include “relevant pleadings” in the addendum. Arkansas Supreme Court Rule 4-2(a)(8) requires the addendum to contain true and legible copies of the non-transcript documents in the record on appeal that are essential

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<sup>1</sup>Paragraphs 15-18 of the June decree address the final disposition of multiple debts and assets belonging to the parties, including Mr. McClure’s credit-card debt; however, the July decree skips from paragraph 14 to paragraph 19 and fails to provide for a disposition of the aforementioned debts and assets elsewhere in the decree.

for the appellate court to understand the case and to decide the issues on appeal. A party who files a deficient brief is allowed an opportunity to file a conforming brief. Ark. Sup. Ct. R. 4-2(b)(3). We therefore order Ms. Schollmier-McClure to file, within fifteen days of the entry of the supplemental record, a substituted abstract, addendum, and brief that includes the complete July decree. *Id.* If Ms. Schollmier-McClure fails to do so, the judgment appealed from may be affirmed for noncompliance with Rule 4-2. *Id.*

Once Ms. Schollmier-McClure files the substituted brief and addendum, Mr. McClure will have the opportunity to revise or supplement his brief, or he may rely on the brief previously filed in this appeal. *Id.* If Mr. McClure chooses to revise or supplement his brief, he will have fifteen calendar days from the filing of Ms. Schollmier-McClure's substituted brief and addendum to do so. Ark. Sup. Ct. R. 4-2(c)(2). We note that Mr. McClure's brief refers to a supplemental abstract, but he fails to include one in his brief. We strongly encourage counsel for each party to review our rules to ensure that no additional deficiencies are present.

Remanded to settle and supplement the record; substituted brief and addendum ordered.

HART and GLADWIN, JJ., agree.