

ARKANSAS COURT OF APPEALS

DIVISION IV

No. CA11-816

ANN SHULL BELL and NELSON
KEITH BELL

APPELLANTS

V.

BANK OF AMERICA, N.A.

APPELLEE

Opinion Delivered February 1, 2012

APPEAL FROM THE LONOKE
COUNTY CIRCUIT COURT
[NO. PR-2010-12]

HONORABLE BARBARA ELMORE,
JUDGE

REMANDED TO SETTLE THE
RECORD; REBRIEFING ORDERED

RITA W. GRUBER, Judge

The appellants, Ann Shull Bell and her son Nelson Bell, bring this pro se appeal from an order of the Lonoke County Circuit Court approving a final accounting by appellee Bank of America, N.A., upon its resignation as trustee of the Shull Family Revocable Trust. We are unable to reach the merits of the Bells' arguments because they failed to file a sufficient record for our review pursuant to Ark. R. App. P.–Civ. 6.

A review of the record confirms that, as suggested by the bank, its pages have been stamped with addendum page numbers. This cannot be permitted; the record should not be tampered with in any fashion. *Jones v. Little Rock Family Planning Servs.*, 58 Ark. App. 250, 949 S.W.2d 568 (1997). Moreover, there are inexplicable gaps in the pagination of appellants' addendum. The Bells designated the entire record in their notice of appeal. However, there were at least two hearings conducted by the circuit court, only one of which was transcribed



and contained in the record and abstract. If anything material to either party is omitted from the record by error or accident, we may direct that the omission or misstatement be corrected, and if necessary, that a supplemental record be certified and transmitted. Ark. R. App. P.–Civ. 6(e).

Pro se appellants are held to the same standard as those represented by counsel. See *Moon v. Holloway*, 353 Ark. 520, 110 S.W.3d 250 (2003). The pro se appellant should be aware before he elects to proceed that pro se appellants receive no special consideration of their argument and are held to the same standard as a licensed attorney. *Wade v. State*, 288 Ark. 94, 702 S.W.2d 28 (1986).

We remand the case to the circuit court for the record to be settled and supplemented with the complete transcripts of all hearings before the circuit court, all items properly filed of record, and the circuit clerk's pagination only, within forty-five days. Within fifteen days of the filing of the supplemental record, the Bells shall file a substituted brief that includes a properly prepared abstract¹ of the complete trial transcripts and an addendum in compliance with Ark. Sup. Ct. R. 4-2(a)(5) and (a)(8). After the filing of the substituted abstract, brief, and addendum, the bank shall have an opportunity to revise or supplement its brief within fifteen days. If the Bells fail to file a compliant brief within the prescribed time, the judgment appealed from may be affirmed for noncompliance with our rules. We encourage the Bells, prior to filing the substituted brief, to review the rules regarding the contents of the abstract and addendum to assure that the substituted brief complies with the rules and to ensure that

¹The original abstract was improperly prepared in a question-and-answer format in violation of Rule 4-2(a)(5)(B).



no additional deficiencies are present.

Finally, we reiterate the warning made in *Jones*: the court's record on appeal is not to be disfigured, marked upon, or otherwise tampered with. 58 Ark. App. at 252, 949 S.W.2d at 568.

Remanded to settle and correct the record and rebriefing ordered.

MARTIN and BROWN, JJ., agree.

Ann Shull Bell and *Nelson Keith Bell*, pro se appellants.

Wright, Lindsey & Jennings LLP, by: *Stephen R. Lancaster* and *Gary D. Marts, Jr.*, for appellee.