

ARKANSAS COURT OF APPEALS

DIVISION III

No. CV-13-793

JACQUELINE PARSONS McFARLIN
APPELLANT

V.

THOMAS DAVIDSON and ANNA
DAVIDSON, Husband and Wife
APPELLEES

Opinion Delivered March 12, 2014

APPEAL FROM THE CONWAY
COUNTY CIRCUIT COURT
[No. CV-2010-269]

HONORABLE DAVID H.
McCORMICK, JUDGE

AFFIRMED

LARRY D. VAUGHT, Judge

In this one-brief appeal, appellant Jacqueline Parsons McFarlin argues that the trial court erred when it refused to reform her warranty deed acquired from appellees Anna and Thomas Davidson that restricted the conveyance to “SURFACE AND SURFACE ESTATE ONLY” to a fee-simple interest. We disagree and affirm by memorandum opinion. *See In re Memorandum Opinions*, 16 Ark. App. 301, 700 S.W.2d 63 (1985).

Memorandum opinions may be issued in any or all of the following cases:

- (a) Where the only substantial question involved is the sufficiency of the evidence;
- (b) Where the opinion, or findings of fact and conclusions of law, of the trial court or agency adequately explain the decision and we affirm;
- (c) Where the trial court or agency does not abuse its discretion and that is the only substantial issue involved; and
- (d) Where the disposition of the appeal is clearly controlled by a prior holding of this court or the Arkansas Supreme Court and we do not find that our holding should be changed or that the case should be certified to the supreme court.

This case falls within category (b).

After a hearing on the matter, the court entered an order on May 28, 2013, finding that there was no basis to reform the deed as there was no evidence that Anna Davidson intended to sell her mineral rights, and as the wife of Thomas, she had a least a dower interest in the property in dispute and that the reservation clause was clear as to the parties' intent. The trial court's opinion adequately explains the decision, and we therefore affirm by memorandum opinion pursuant to section (b) of our per curiam.

Affirmed.

GLADWIN, C.J., and HIXSON, J., agree.

Jesse W. Thompson, for appellant.

No response.