

ARKANSAS COURT OF APPEALS

No. CA09-117

PHIL STRATTON

APPELLANT

V.

CATHY SULLIVAN

APPELLEE

Opinion Delivered September 23, 2009

APPEAL FROM THE FAULKNER
COUNTY CIRCUIT COURT
[NO. PR07-470]

HONORABLE MICHAEL A.
MAGGIO, JUDGE

REBRIEFING ORDERED

PER CURIAM

In this probate case, appellant Phil Stratton contends that the circuit court erred by failing to include certain items in the estate inventory of his late wife, Carolyn Glover Stratton. We order rebriefing because appellant's addendum does not comply with Ark. Sup. Ct. R. 4-2(a)(8).

Carolyn Glover Stratton died testate in May 2007. Appellant was named personal representative of the estate and filed an inventory of the estate's property in November 2007. Appellee Cathy Sullivan, the decedent's daughter, objected that some of the property included in the inventory belonged either to her or to a grandchildren's trust created by the decedent's will. Following a hearing, the court found that a Wooton desk, a Wells Fargo strong box, and the strong box's contents were not assets of the estate. Appellant appeals from that order.

An appellant's addendum must include relevant pleadings, documents, or exhibits essential to an understanding of the case and the court's jurisdiction on appeal. Ark. Sup. Ct. R. 4-2(a)(8). In this case, appellant's addendum contains the decedent's will and trust, the circuit court's order and letter opinion, the notice of appeal, and several documentary exhibits. However, the addendum omits certain items necessary to our understanding of the case: appellant's "Complaint in Equity to Construe Decedent's Will and Trust of Decedent"; the order transferring appellant's complaint from circuit to probate division; Letters Testamentary appointing appellant as personal representative; appellant's "Date of Death Inventory"; and appellee's objection and amended objection to the inventory.

Appellant has fifteen days from the date of this order in which to file a substituted brief with an addendum containing the above listed matters. *See* Ark. Sup. Ct. R. 4-2(b)(3). Upon appellant's filing the substituted brief, appellee will be afforded an opportunity to revise her brief at the expense of appellant or appellant's counsel. *Id.* If appellant fails to file a brief with a complying addendum within the prescribed time, the judgment may be affirmed for noncompliance with Rule 4-2(a)(8). *Id.*

Rebriefing ordered.