Cite as 2011 Ark. App. 254

ARKANSAS COURT OF APPEALS

DIVISION IV
No. CA10-1090

PATSY CATO and KATHI THOMPSON
APPELLANTS

V.

JOYCE HIGHTOWER, BARBARA DROEMER, and JERRY DROEMER
APPELLEES

Opinion Delivered April 6, 2011

APPEAL FROM THE FAULKNER COUNTY CIRCUIT COURT
[No. CV-2009-0982]

HONORABLE DAVID CLARK, JUDGE

AFFIRMED

LARRY D. VAUGHT, Chief Judge

Appellants Patsy Cato and Kathi Thompson petitioned to vacate and set aside two deeds that were filed in 1992. It was their position that the deeds had been forged. Appellees Joyce Hightower and Barbara and Jerry Droemer responded with a motion for summary judgment stating that because the deeds had been public record since 1992, appellants were time-barred from bringing suit. The trial court agreed and issued an order on July 14, 2010, granting appellees' summary-judgment motion. On appeal, appellants claim the trial court erred in taking judicial notice of an ancillary probate proceeding involving the same parties. However, the issue is not preserved for our review, and we affirm.

It is undisputed that at the time the trial court took the allegedly erroneous judicial notice of the prior proceeding no objection was made. Our court has recently considered this

precise matter. In *Maynard v. Arkansas Department of Human Services*, a February 2, 2011 opinion, we reasoned:

> The circuit court took judicial notice that a parent under the influence of drugs cannot make reasonable decisions about their child's health, safety, or welfare. Maynard argues that the court's action in taking judicial notice was improper because this was not a "fact" capable of being judicially noticed and none of the other requirements for taking judicial notice were met. This argument is not preserved for our review because Maynard did not object to the circuit court taking judicial notice. A party is entitled upon timely request to an opportunity to be heard as to the propriety of taking judicial notice and the tenor of the matter noticed. Ark. R. Evid. 201(e). In the absence of prior notification, the request may be made after judicial notice has been taken. *Id.* Maynard neither objected nor requested a hearing on the propriety of judicial notice. To preserve an argument for appeal, there must be an objection in the circuit court that is sufficient to apprise that court of the particular error alleged. *Love v. State*, 324 Ark. 526, 922 S.W.2d 701 (1996); Ark. R. Evid. 103(a)(1).

2011 Ark. App. 82, at 7–8, 389, S.W.3d 627, 630. Likewise, in the case presently before us, no objection was made to the trial court's exercise of judicial notice, and the issue is not preserved for our review.

Affirmed.

GRUBER and BROWN, JJ., agree.