

Cite as 2023 Ark. App. 583
ARKANSAS COURT OF APPEALS

DIVISION IV
No. CV-22-733

GRANT MAYNER		Opinion Delivered December 13, 2023
	APPELLANT	APPEAL FROM THE FRANKLIN COUNTY CIRCUIT COURT, SOUTHERN DISTRICT [NO. 24CCV-20-14]
V.		
LESLIE MCCORMACK AND MARK MCCORMACK		HONORABLE DENNIS CHARLES SUTTERFIELD, JUDGE
	APPELLEES	AFFIRMED

N. MARK KLAPPENBACH, Judge

Grant Mayner has filed a pro se appeal from the order of the Franklin County Circuit Court declaring his deed void. We affirm.

In March 2020, Mayner filed a complaint against Leslie and Mark McCormack alleging causes of action for ejectment and trespass. Mayner alleged that the McCormacks were residents of 114 Fifth Street in Charleston, Arkansas, which he described in part as lot 16. Mayner claimed that he had acquired legal title to this property by virtue of a limited warranty deed on June 3, 2019, and his attempts to evict the McCormacks had been unsuccessful. Mayner sought a writ of possession ejecting the McCormacks; damages, including reasonable rent and costs; and an order enjoining the McCormacks from trespassing on the property.

The McCormacks filed an answer admitting that they were in possession of the subject property but denying that Mayner had valid legal title to the property. The McCormacks also filed a counterpetition for quiet title, alleging that they were the owners of both lot 16 and lot 17. They alleged that the deed by which Mayner claimed title addresses only lot 16, but their home sits on both lots.

The matter was eventually submitted to the court on stipulated findings of fact and briefs from the parties. The stipulated findings of fact included that Mayner had purchased real property at a tax-delinquent property auction on May 15, 2019, for the sum of \$3,462.69; that pursuant to a limited warranty deed, he claimed an interest in lot 16; that the McCormacks own lot 17 pursuant to a deed filed of record; that a house is situated across lots 16 and 17 that together are 114 Fifth Street; and that the McCormacks had offered Mayner his purchase price plus interest to have the property redeemed in them. The McCormacks argued in part that Mayner's deed was void due to defects in the notice of sale and an inaccurate legal description of the property. Mayner argued that he had valid color of title and should prevail on his ejectment action. The circuit court ruled in favor of the McCormacks, finding in part that Mayner's deed was void. The court ordered the McCormacks to pay Mayner \$3982.09 and for the deed to lot 16 to be tendered to the McCormacks.

On appeal, Mayner argues that the circuit court's decision was unjust. He argues that the entirety of the house lies on lot 16; that for three years, he had paid taxes on the house, which has an estimated market value of \$108,100; and that the McCormacks had paid taxes

on only a vacant lot. He contends that that the property should be returned to him and that he is entitled to loss of rental income of \$27,000 as well as his attorney's fees. He contends that if the house is not awarded to him, he is also entitled to reimbursement for the taxes he paid for three years and \$100,000 for the value of the house.

Mayner's arguments incorporate facts that were not submitted to the circuit court below. Furthermore, his arguments do not challenge the circuit court's ruling that his "deed is void because of the deficiencies in the legal description and the impossibility of Plaintiff occupying a house that straddles two (2) lots when he has ownership in only one (1) lot." It is axiomatic that we will not make an appellant's argument for him. *Yarborough v. Ark. Dep't of Hum. Servs.*, 96 Ark. App. 247, 255, 240 S.W.3d 626, 631 (2006). Accordingly, we summarily affirm the circuit court's order.

Affirmed.

HARRISON, C.J., and BARRETT, J., agree.

Grant Mayner, pro se appellant.

Deeanna Weimar, for appellees.