

Bobby Joe DOWNING and Bob J. DOWNING *v.*
Mike DeCLERK d/b/a DeCLERK DIESEL SERVICE

82-273

648 S.W.2d 449

Supreme Court of Arkansas
Opinion delivered March 28, 1983
[Rehearing denied May 2, 1983.]

APPEAL & ERROR — RECORD MUST BE ABSTRACTED. — Rules of the Supreme Court and Court of Appeals Rule 9 (d) requires that the record of the trial court be abstracted so that the appellate court can understand the pleadings, proceedings, evidence and issues which were before the trial court.

Appeal from Lawrence Circuit Court; *Andrew Ponder*, Judge; affirmed.

Lambert & Brown, for appellants.

Wilson, Grider & Castleman, by: *Murrey L. Grider*, for appellee.

ROBERT H. DUDLEY, Justice. We affirm the trial court under Rule 9 (e) (2). The pleadings include a complaint, an attachment, an answer, a bond for retention of possession of property after attachment, a complaint to proceed against the bond after judgment, a second answer, a motion for summary judgment by the plaintiff and a motion for summary judgment by the defendant. None are abstracted.

The proceedings include a trial and a later proceeding on the opposing motions for summary judgment. None of the testimony, documentary evidence or stipulations, if any, are abstracted, nor is the manner of proceeding explained.

The complete abstract of record consists of a three sentence abstract of the original judgment along with a five sentence abstract of the subsequent summary judgment on the bond. From these eight sentences it is impossible for us to understand the pleadings, proceedings, evidence and issues which were before the trial court. Thus, we cannot reach the

merits of the appeal and we must affirm for noncompliance with Rule 9 (d).

Affirmed.
