

Supplemental Opinion on Denial of Rehearing  
April 20, 1987

727 S.W.2d 382

APPEAL & ERROR — ORDER VACATING OR SUSTAINING GARNISHMENT  
APPEALABLE — ORDER DENYING MOTION FOR SUMMARY JUDGMENT  
NOT APPEALABLE. — Although Ark. R. App. P. 2(a)(5) provides  
that an appeal may be taken from “an order which vacates or  
sustains an attachment or garnishment,” an order denying a motion  
for summary judgment is not appealable.

Petition for rehearing; denied.

ROBERT H. DUDLEY, Justice. On March 2, 1987, the Court  
dismissed this appeal on the ground that denial of a motion for  
summary judgment in a garnishment proceeding is an interlocu-  
tory order and, therefore, not appealable.

In a petition for rehearing, the petitioner earnestly contends  
that garnishment is a proceeding which is ancillary to the main  
action between the plaintiff and defendant and the order releas-  
ing the garnishee finally disposes of the garnishment portion of  
the action and is appealable. We agree with the petitioner’s  
statement of law. In fact, Rule 2(a)(5), Rules of Appellate  
Procedure provides that an appeal may be taken from “an order  
which vacates or sustains an attachment or garnishment.” The  
distinction between that facet of law and this case is that in this  
case there is no order vacating or sustaining a garnishment,  
instead there is only an order denying a motion for summary  
judgment.

MEDICAL & DENTAL CREDIT BUREAU v. LAKE  
ARK.] HAMILTON BIBLE CAMP & CONF. GROUNDS 353-B  
Cite as 291 Ark. 353 (1987)

Petition for rehearing denied.