

Carl WIDMER v. Raymond F. WIDMER, Executor of the
Estate of Walter WIDMER, Deceased

87-9

731 S.W.2d 209

Supreme Court of Arkansas
Opinion delivered June 22, 1987
[Rehearing denied July 20, 1987.]

APPEAL & ERROR — INTERLOCUTORY ORDER NOT APPEALABLE. — An order overruling a motion to restrain the sale of land is interlocutory in nature and is not a final appealable order.

Appeal from Sebastian Probate Court, Fort Smith Division;
Warren Kimbrough, Judge; appeal dismissed.

Appellant, pro se.

Hardin, Jesson & Dawson, by: *Bradley D. Jesson*, for
appellee.

JOHN I. PURTLE, Justice. This is the fourth appeal in the same case by the same appellant. This time he attempts to appeal the trial court's decree ordering the sale of real estate. The appellant is an heir in the estate. He timely objected to the order to sell the property, claiming an absolute, first right of purchase as an heir.

[1] In *Cash v. Cash*, 273 Ark. 32, 616 S.W.2d 13 (1981), we stated: "This appeal is from the order overruling the motion to restrain the sale of the land. The order is interlocutory in nature and was in no manner a final appealable order." The present appeal is in the same position as the appeal in *Cash*. Therefore, it must be dismissed.

The proper place for the arguments presented here is in an appeal from the order of confirmation of the sale of the property. That appeal has already been docketed in this Court as Case No. 87-136.

Appeal dismissed.
