

Ramon PHILLIPS et al. v. LOWRANCE BROTHERS &
COMPANY, INC.

89-188

784 S.W.2d 775

Supreme Court of Arkansas
Opinion delivered February 26, 1990

APPEAL & ERROR — JUDGMENT NOT FINAL — APPEAL DISMISSED. —

When more than one claim for relief is presented or multiple parties are involved, an order adjudicating fewer than all the claims or the liability of fewer than all parties does not terminate the action.

Appeal from Mississippi Chancery Court, Osceola District; *Graham Partlow*, Chancellor; appeal dismissed.

Mays & Crutcher, by: *Richard L. Mays*; and *Oscar Fendler*, for appellant.

Moore, Moore-Hart & Barton, by: *Whit Barton*, for appellee Lowrance Bros. & Co., Inc.

PER CURIAM. This appeal is dismissed pursuant to ARCP Rule 54(b). The appellants filed suit against Lowrance Brothers and Company, Inc., Commonwealth Savings & Loan Association and others seeking to set aside a foreclosure decree. The chancery court granted summary judgment in favor of Lowrance Brothers, purchasers of land at the foreclosure sale. It is that order from which the appeal is taken.

[1] When more than one claim for relief is presented or multiple parties are involved, an order adjudicating fewer than all the claims or the liability of fewer than all parties does not

terminate the action. This appeal is clearly premature because (1) the chancellor has made no ruling regarding Commonwealth, which is still a party to the suit, and (2) the chancellor has not yet decided whether he will set aside the judgment. *See Tulio v. Arkansas Blue Cross and Blue Shield, Inc.*, 283 Ark. 278, 675 S.W.2d 369 (1984).

Appeal dismissed.
