

## Bobbie June CASH v CITIZENS BANK OF TILLAR

84-149

680 S.W.2d 1

Supreme Court of Arkansas  
Opinion delivered November 26, 1984

APPEAL & ERROR — FAILURE TO ABSTRACT — EFFECT. —  
Supreme Court Rule 9 requires the abstract of the record to  
be an impartial condensation of the pleadings, proceedings,  
facts, and documents in the record, and failure to abstract  
the record requires the appellate court to affirm the lower  
court decision.

Appeal from Drew Circuit Court; *Paul K. Roberts*,  
Judge; affirmed.

*John L. Kearney*, for appellant.

*L. David Stubbs*, for appellee.

WEBB HUBBELL, Chief Justice. This is the second  
appeal involving an ejectment suit initiated by appellee,  
Citizens Bank of Tillar, against J. C. Cash. In the first  
appeal we affirmed the ejectment of Mr. Cash from property  
owned by appellee. *J. C. Cash v. Citizens Bank of  
Tillar*, 277 Ark. 449, 642 S.W.2d 318 (1982). Mr. Cash,  
however, continued to go on the property, and after a  
hearing on May 13, 1984, the trial court prohibited Mr.  
Cash and his wife, Bobbie June Cash, appellant, from  
going on the property. Appellant argues reversible error  
because she was not served notice of the hearing. The

appeal is affirmed under Rule 9 (e) (2) of the Rules of the Supreme Court of Arkansas for appellant's failure to abstract any of the record.

Rule 9 requires the abstract of the record to be an impartial condensation of the pleadings, proceedings, facts, and documents in the record. Appellant totally failed to comply with the rule and in place of an abstract provided only the following:

Writ of Assistance: (T.3) Issued April 25, 1984. Order: (T.4) Motion by J. C. Cash to permanently enforce the Writ of Assistance issued April 25, 1984. Order dated May 24, 1984. Notice of Appeal: (T.6) Entry date May 3, 1984.

The Order from which appellant seeks relief is not even abstracted. We affirm. *Fair v. Fair*, 272 Ark. 114, 612 S.W.2d 123 (1981); *Manes v. M.O.V.E., Inc. et al*, 261 Ark. 793, 552 S.W.2d 211 (1977).

Affirmed.