

Cite as 2014 Ark. 161

SUPREME COURT OF ARKANSAS

No. CV-14-173

ROBERT DICKINSON, AND PAMELA
DICKINSON, ON BEHALF OF
THEMSELVES AND ALL RESIDENTS
OF ARKANSAS THAT ARE
SIMILARLY SITUATED

PETITIONERS

V.

SUN TRUST MORTGAGE, INC., AND
FEDERAL NATIONAL MORTGAGE
ASSOCIATION

RESPONDENTS

Opinion Delivered April 10, 2014

REQUEST TO CERTIFY QUESTION
OF LAW FROM THE UNITED
STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF
ARKANSAS

CERTIFIED QUESTION ACCEPTED.

PER CURIAM

In accordance with section 2(D)(3) of amendment 80 to the Arkansas Constitution and Rule 6-8 of the Rules of the Supreme Court and Court of Appeals of the State of Arkansas, the Honorable Brian S. Miller of the United States District Court for the Eastern District of Arkansas filed a motion and certification order with our clerk on March 11, 2014. The certifying court requests that we answer a question of law that may be determinative of a cause now pending in the certifying court, and it appears to the certifying court that there is no controlling precedent in the decisions of the Arkansas Supreme Court.

After a review of the certifying court's analysis and explanation of the need for this court to answer the question of law presently pending in that court, we accept certification

of the following question, as herein formulated:

Whether the Federal National Mortgage Association satisfies the Statutory Foreclosure Act's authorized-to-do-business requirement, Ark. Code Ann. § 18-50-117, under 12 U.S.C. § 1716 et seq., or other federal laws, or must the Federal National Mortgage Association satisfy Ark. Code Ann. § 18-50-117 by obtaining a certificate of authority in Arkansas prior to statutorily foreclosing on property in Arkansas?

This per curiam order constitutes notice of our acceptance of the certification of the question of law. For purposes of the pending proceeding in this court, the following requirements are imposed:

A. Time limits will be calculated from the date of this per curiam order accepting certification. The plaintiffs in the underlying action, Robert Dickinson and Pamela Dickinson, on behalf of themselves and all residents of Arkansas that are similarly situated, are designated the moving parties and will be denoted as the "Petitioners," and their brief is due thirty days from the date of this per curiam; the defendants, Sun Trust Mortgage, Inc., and Federal National Mortgage Association, will be denoted as the "Respondents," and their briefs is due thirty days after the filing of Petitioners' brief. Petitioners may file a reply brief within fifteen days after Respondents' briefs are filed.

B. The briefs shall comply with this court's rules as in other cases except for the briefs' content. Only the following items required in Ark. Sup. Ct. R. 4-2(a) shall be included:

(3) Point on appeal which shall correspond to the certified question of law to be answered in the federal district court's certification order.

(4) Table of authorities.

(6) Statement of the case which shall correspond to the facts relevant to the

certified question of law as stated in the federal district court's certification order.

(7) Argument.

(8) Addendum.

(9) Cover for briefs.

C. Oral argument will be permitted only if this court concludes that it will be helpful for presentation of the issue.

D. Ark. Sup. Ct. R. 4-6 with respect to amicus curiae briefs will apply.

E. This matter will be processed as any case on appeal.

F. Rule XIV of the Rules Governing Admission to the Bar shall apply to the attorneys for the Petitioner and the Respondents.

Pursuant to Arkansas Supreme Court Rule 6-8(d), we request that the parties include in an addendum the following pleadings: the complaint; the answer, if any; the motion to dismiss; and any responses, replies, and briefs in support thereof. In addition, if the parties believe that any additional pleadings will be useful to our understanding of the legal issues presented in this certified question, those pleadings should be included as well.

Certified question accepted.