

SUPREME COURT OF ARKANSAS

No. 10-1059

REAGEN CRAIG KIRKLAND,
APPELLANT,

VS.

J. SCOTT SANDLIN AND ALLISON C.
SANDLIN, HUSBAND AND WIFE,
APPELLEES,

Opinion Delivered March 10, 2011

APPEAL FROM THE WASHINGTON
COUNTY CIRCUIT COURT,
NO. CV 2008-4144-4,
HON. MARY ANN GUNN, JUDGE,

REBRIEFING ORDERED.

PER CURIAM

Appellant Reagen Craig Kirkland appeals from the circuit court's order finding a boundary by agreement with respect to property between Kirkland's home and the home of appellees, J. Scott Sandlin and Allison C. Sandlin, husband and wife. Kirkland argues on appeal that the circuit court erred in (1) failing to find that the agreement as to the boundary line was the product of an unconscious mutual mistake, which was corrected by Kirkland; and (2) failing to find that Kirkland was entitled to possession of the disputed area and that the Sandlins should have been ejected from that area. Due to deficient briefing, however, we are precluded from reaching the merits of the appeal at this time.

Arkansas Supreme Court Rule 4-2(a)(8)(A)(i) (2010) makes clear that "[t]he addendum must include" all "related briefs, concerning the order, judgment, or ruling challenged on appeal." A review of the instant record reveals several trial briefs relied on by the circuit court,

but omitted from Kirkland's addendum. We must therefore order rebriefing.

Because Kirkland has failed to comply with our rules, we order him to file a substituted brief, which complies with our rules, within fifteen days from the date of entry of this order, pursuant to Ark. Sup. Ct. R. 4-2(b)(3). We further encourage appellate counsel, prior to filing the substituted brief, to review our rules and Kirkland's substituted brief to ensure that no additional deficiencies are present. We further note that, if after the opportunity to cure the deficiencies, Kirkland fails to file a complying abstract, addendum, and brief within the prescribed time, the judgment or decree may be affirmed for noncompliance with the rule. *See* Ark. Sup. Ct. R. 4-2(b)(3).

Rebriefing ordered.