

FILED
IN THE CIRCUIT COURT OF GARLAND COUNTY, ARKANSAS
CIVIL DIVISION NOV 4 PM 4 42

IN THE MATTER OF THE PETITION OF THE
PETITION FOR THE ANNEXATION OF
CERTAIN LANDS

JEANNIE RIFE
GARLAND CO. CIRCUIT CLERK
BY _____

THE TOWN OF FOUNTAIN LAKE, ARKANSAS
MAYOR JACK FIELDS, AGENT
FOR PETITIONING LANDOWNERS

PLAINTIFF

VS.

CV-2012-1060-I

RICK DAVIS

RESPONDENT

GILBERT TILLERY

INTERVENOR

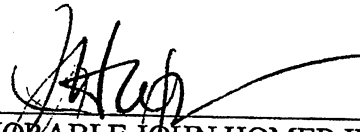
ORDER

Came on for hearing on the 9th Day of August, 2013, the petition for voluntary annexation to the Town of Fountain Lake by certain landowners, Mayor Jack Fields, agent for petitioners, and said petitioners appearing in person by and through Jack Fields, said agent represented by John Howard, Attorney at Law, P.A.; and Rick Davis, Garland County Judge, appearing not; and the Intervenor, Gilbert Tillery appearing in person, and represented by Justin Hurst, Hurst Morrissey and Hurst; the court upon consideration of the evidence, statements of counsel, and the record as a whole, does hereby find and order:

1. The Petitioning landowners have met the statutory requirements for voluntary annexation under Ark. Code Ann. 14-40-601, to wit:
 - a. The Petitioning landowners represent a majority of the landowners of the area to be annexed.
 - b. The Petitioning landowners own a majority of the land to be annexed.

- c. Said land is contiguous to the current area of the Town of Fountain Lake.
2. The Intervenor and parties in opposition have offered no compelling legal justification to defeat the petition for voluntary annexation.
3. The Petition is hereby approved and the annexation is granted.

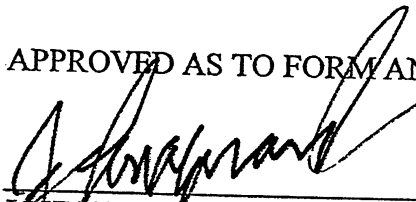
IT IS SO ORDERED.



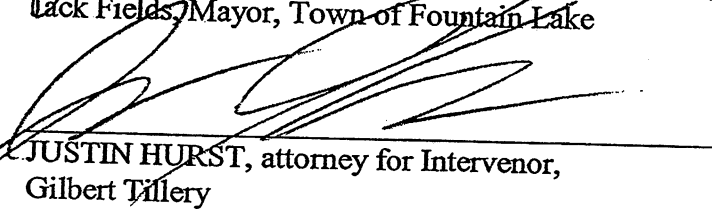
HONORABLE JOHN HOMER WRIGHT
CIRCUIT JUDGE

11/4/2013
DATE

APPROVED AS TO FORM AND CONTENT:



JOHN HOWARD, attorney for Agent for Petitioners,
Jack Fields, Mayor, Town of Fountain Lake



JUSTIN HURST, attorney for Intervenor,
Gilbert Tillery

John Howard
Attorney at Law, P.A.
455 West Grand, Hot Springs, AR 71901
Telephone: (501) 623-5070 Facsimile: (501) 623-5040

October 7, 2013

Mayor Jack Fields
Town Council
Town of Fountain Lake

Hand Delivered

RE: The Annexation of Certain Lands Into the Town of Fountain Lake
Garland County Circuit CV 2012-1060

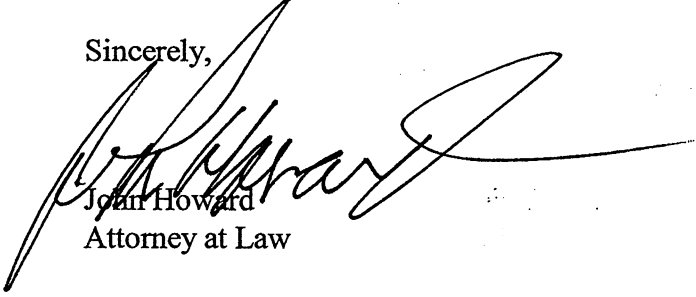
Dear Mayor Fields and Council Members:

Enclosed is a copy of Judge Wright's decision letter regarding the voluntary annexation. It sets forth that the voluntary petition for annexation is granted. I have drafted an order to approve this action and I am circulating it to the opposing attorney for his approval. When it has been approved I will submit it to the court for entry.

The next step is that the town council will have to adopt a measure accepting the annexation. That can be considered by special meeting if that is the wish of the council or at the next regular meeting. It is my recommendation that it be considered at the next regular meeting of the council. I will draft the document.

Feel free to contact me if you have questions or need additional information. Thank you.

Sincerely,



John Howard
Attorney at Law

JH/san
enclosures



JOHN HOMER WRIGHT
CIRCUIT JUDGE - DIVISION ONE
18TH JUDICIAL CIRCUIT - EAST
501 OUACHITA AVENUE, SUITE 301
HOT SPRINGS, ARKANSAS 71901
Phone (501) 321-1333 • Fax (501) 623-5149
E-mail: jwright@garlandcounty.org

SHERRI DANIELS
TRIAL COURT ASSISTANT

SHARI L. HAMILTON, CCR
COURT REPORTER

September 18, 2013

Mr. John Howard
Attorney at Law
455 W. Grand Ave.
Hot Springs, AR 71901

Mr. Justin B. Hurst
Attorney at Law
Hurst, Morrissey & Hurst
518 Ouachita Ave.
Hot Springs, AR 71901

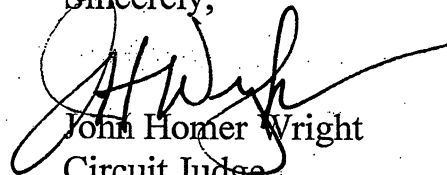
Mr. Ralph Ohm
Attorney at Law
P. O. Box 1558
Hot Springs, AR 71902-
1558

Re: CV 2012-1060, Annexation of Lands into the City of Ft. Lake

Gentlemen:

I apologize for the delay in rendering this decision. Based on the totality of the record, the voluntary petition for annexation is granted. The statutory requirements for annexation have been met, a majority of the parties affected, both in number and acreage, have requested the annexation and those objecting have not presented arguments which would compel a disregard for the desires of the majority. Mr. Howard should draft and circulate a precedent.

Sincerely,


John Homer Wright
Circuit Judge