

IN THE ARKANSAS COURT OF APPEALS

**RURAL REVIVAL LIVING
TRUST; AND LAURA LYNN HAMMETT**

APPELLANTS

v.

CASE No. 65CV-21-20

MICHEAL PIETRCZAK

APPELLEE

PETITION FOR WRIT OF CERTIORARI TO COMPLETE THE RECORD

COMES NOW, on this 18th day of July, Laura Lynn Hammett, Appellant, pro se, and for this Petition for Writ of Certiorari to Complete the Record and in support thereof states, pursuant to cited authorities and facts attested to by affidavit filed concurrently:

1. This motion is filed pursuant to Ark. Sup. Ct. R. 3-5(a). Rule 3-5(a) permits this Court to authorize its Clerk to issue a writ of certiorari to a circuit court clerk or court reporter to prepare the record on appeal.
2. Attached to this motion is a partial record. The partial record consists of certified copies of documents from the Searcy County Circuit Court Clerks file in the above-styled case. These certified documents requested on July 15, 2022 were “all orders in the case and the motion for extension of time filed June 17th, 2022”. The order of July 13, 2022 denying an extension of time to file the record was not included in the packet by the clerk and so an uncertified copy printed from the Court Connect site was included.
3. That on April 20, 2022, Appellant timely filed a Notice of Appeal and Declaration of Record to Supreme Court of Arkansas with the Searcy County Circuit Court.
4. The appellant, in compliance with Rule 6(b), has timely ordered the stenographically reported material from the court reporter and made any financial arrangements required for its preparation.
5. The Record on Appeal shall be filed with the Clerk of the Arkansas Supreme Court and docketed therein within 90 days, July 19, 2022. (Ark. R. App. P. 5(a))

6. If the record will not be prepared timely, the appellant must give the other parties an opportunity to object to an extension either in writing or by hearing. (Ark. R. App. P. 5(b)(1)(C))
7. If the motion is made in writing, the opposing party has 10 days plus weekends to respond. (Ark. R. Civ. P. 6)
8. Therefore, in order to ensure time for an opposition and for the Court to decide a motion for extension of time, Appellant filed a motion on June 17, 2022 despite the hope and assurances that the Court Reporter and Clerk will complete their tasks timely.
9. This order requested was to be contingent on the need for an extension of time for the court reporter to include the stenographically reported material in the record on appeal or for the circuit clerk to compile the record and would extend the time allowed until the complete record is compiled and Appellant notified of such plus three business days, but no more than seven months.
10. Appellee did not oppose the motion. He made no response.
11. The Trial Court denied the motion for extension of time on July 13, 2022 with no stated reasoning.

12. On June 7, 2022 Court Reporter Jana Perry replied to an email inquiry that the “electronic appeal record will be filed on July 15, 2022”. As of this writing on July 16, 2022, Appellant was not notified of a filing nor readiness of the transcript.
13. On June 8, 2022, Appellant spoke with Circuit Clerk Debbie Loggins. Ms. Loggins said the electronic appendix would be complete by July 5, 2022.
14. Appellant made several inquiries of the deputy clerks and was told Debbie Loggins would need to answer the inquiries. Having no communication from Debbie Loggins between June 8th and July 14, 2022, Appellant left a voice mail stating that she would be to the clerk’s office in Searcy County on the afternoon of July 15, 2022. She asked for all orders and the motion for extension of time to be certified and for a separate packet of all documents filed since October 7, 2021 certified.
15. On the afternoon of July 15, 2022, Appellant was at the clerk’s office. The requested documents were not ready. Deputy clerk Mary Beth prepared the orders and the one motion, apparently missing the order of July 13, 2022.
16. Appellant spoke with Clerk Debbie Loggins for well over twenty minutes. The Clerk told Appellant that the record would take only an hour to prepare, but Ms. Loggins was not going to prepare it until Saturday, July 16, 2022. The clerk said this is the first electronic record she has prepared. She said she had a woman doing

them for \$100 each, and was going to have her daughter do them from now on, but assured Appellant she would complete the record in this case herself.

17. Clerk Debbie Loggins told Appellant she would call her when the record is ready on Saturday. As of Sunday, July 17, 2022 at 12:15 P.M., Appellant received no call from the Clerk.

18. Appellant asked Clerk Loggins if she could pay while she was already in the office. The Clerk said Appellant had the choice of driving back from Conway to Marshall on the following Monday or leaving a blank check. Neither option makes Appellant comfortable, and thus she is filing this petition to be certain to be in strict compliance.

19. That for the foregoing reasons, counsel hereby requests that this Court grant the Writ of Certiorari to Complete the Record and order the record to be completed by the Court Reporter and Circuit Clerk within thirty (30) days.

WHEREFORE, Petitioner Hammett requests that this Court authorize its Clerk to issue a writ of certiorari to the Searcy County Circuit Court Clerk directing the clerk to complete preparation of the record on appeal in this case; and to the Court Reporter directing her to complete the transcripts.

Respectfully submitted,

NOT SUBMITTED - MOOT