

In the District Court of Garland County Arkansas

Cannon Finance Inc.

Plaintiff

v.

Case No. HTCV-19-1364

Sheena Maxwell and  
Delta Millwood

Defendants

**Answer of Defendant Delta Millwood**

Defendant Delta Millwood files this Answer to Plaintiff Cannon Finance, Inc.'s Complaint.

**Admissions and Denials**

1. With respect to the averments in paragraph 1 of the Complaint, Defendant responds as follows:
  - a. Defendant is without sufficient information to form a belief about whether Plaintiff is an Arkansas corporation with its principal place of business in Hot Springs, Garland County, Arkansas, and therefore denies the same;
  - b. Defendant admits that she is a resident of Pulaski County, Arkansas;
  - c. Defendant denies the acts complained of occurred in Garland County, Arkansas;
  - d. Defendant admits this Court has jurisdiction of the parties and the subject matter;
  - e. Defendant denies that venue is proper; and

- f. All averments in paragraph 1 of the Complaint not specifically admitted herein are denied.
2. Defendant admits the averments in paragraph 2 of the Complaint.
3. With respect to the averments in paragraph 3 of the Complaint,

Defendant responds as follows:

- a. Defendant denies she defaulted on the contract;
  - b. Defendant is without sufficient information to form a belief about whether Plaintiff repossessed the vehicle;
  - c. Defendant denies that Plaintiff sold the vehicle in a commercially reasonable manner after notice to her;
  - d. Defendant denies that Plaintiff is entitled to any remaining balance due under the contract after proceeds of the sale have been applied; and
  - e. All averments in paragraph 3 of the Complaint not specifically admitted herein are denied.
4. Defendant denies the averments in paragraph 4 of the Complaint.
  5. Defendant denies Plaintiff is entitled to any judgment against her.

#### **Affirmative Defenses**

6. Defendant is not liable to Plaintiff under Ark. R. Civ. P. 12(b)(3) because of improper venue.
7. Defendant is not liable to Plaintiff under the doctrine of *forum non conveniens*.

8. Plaintiff is not entitled to the relief it seeks because it did not send an authenticated notice of disposition that complied with Ark. Code Ann. § 4-9-611, which operates as an absolute bar to the relief Plaintiff seeks in the Complaint.

9. Plaintiff is not entitled to the relief it seeks because it did not comply with Ark. Code Ann. § 4-9-610 by conducting a commercially reasonable sale, which operates as an absolute bar to the relief Plaintiff seeks in the Complaint. Alternatively, Defendant is entitled to a rebuttable presumption that the fair market value of the vehicle is equal to and satisfies any debt, account or deficiency claimed by Plaintiff.

Therefore, Defendant prays for the following relief:

- 1) Render judgment in her favor, and Plaintiff takes nothing;
- 2) Dismiss Plaintiff's Complaint with prejudice;
- 3) Award Defendant her attorney's fees and costs for defending against the Complaint as allowed by Ark. Code Ann. § 16-22-308; and
- 4) Award Defendant all other relief the Court deems appropriate.

By: /s/ Corey D. McGaha  
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### Certificate of Service

I, Corey D. McGaha, certify that on October 13, 2019, consistent with the requirements of Ark. R. Civ. P. 5, a complete copy of the foregoing was electronically filed with the Clerk of the Court using the AOC Electronic Filing Systems (eFlex system) and electronically served on all parties of record in the eFlex system, per Arkansas Supreme Court Administrative Order 21, § 7(a), to the following:

McKendra Adams  
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/s/ Corey D. McGaha