

EVERETT, WALES & COMSTOCK

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July 29, 2016

~~VIA E-MAIL
westfarm@pgtc.com~~

~~Cheryl West
Prairie Grove, AR 72753~~

**RE: Prairie Grove Cemetery Association, Inc. vs. Washington County Milling Co., LL
Washington County Circuit; Case No. 72CV-2016-648-2**

Dear Cheryl:

Sometime back I filed some interrogatories against Washington County Milling Company and I am enclosing his responses. This is just for your information.

In response, the lawyer for your friend, Mr. Nall sent me the enclosed interrogatories and requests for production of documents to the plaintiff. I got these July 20th and the law gives us 30 days to respond to them so our responses are due August 19th. I can answer most of them myself but I want you to pay attention to Interrogatory No. 6 and Request for Production No. 3 asking for writings between the Cemetery Association and the church while it was there. I do not know if there are any but if you know or if you can locate any, send them along. Further, look at Request for Production No. 4 asking for correspondence with Mr. Nall. I do not think there is any written correspondence but if so, send those along too.

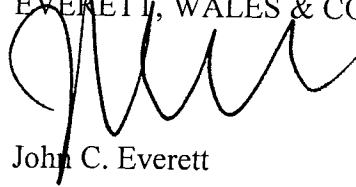
Now look at Interrogatory No. 9. I do not know if the Prairie Grove Cemetery Association bought the property but if it did, I need to know when and how much it paid for it, if you know. Likewise, Interrogatory No. 10 needs to be answered and Interrogatory No. 13. I think I know all those answers but just in case I do not, I want you to pay attention to them.

I can handle the rest of it myself but I need your input on the ones that I have identified.

Cheryl West
July 29, 2016
Page Two

Sincerely,

EVERETT, WALES & COMSTOCK

A handwritten signature in black ink, appearing to read "John C. Everett", written over the printed name.

John C. Everett

JCE:tc
Enclosure
cc/encl:

~~Lloyd Wayne Luginbuel~~

IN THE CIRCUIT COURT OF WASHINGTON COUNTY, ARKANSAS
CIVIL DIVISION

PRAIRIE GROVE CEMETERY
ASSOCIATION, INC.

PLAINTIFF

VS.

CASE NO. 72CV-2016-648-1

WASHINGTON COUNTY MILLING
CO., LLC

DEFENDANT

RESPONSES TO INTERROGATORIES

COME NOW, Defendant, Washington County Milling Co., LLC ("Defendant"), by and through its attorneys, and for its Responses to Plaintiff's Interrogatories to Defendant, states as follows:

INTERROGATORY NO. 1: Identify all uses to which you have put the property described as Tract A on the survey attached to the amended petition to quiet title since your acquisition of title.

RESPONSE: Defendant objects to the form of the request. There is no separate Tract A in the county property records. Without waiving any objections, Defendant has used the church for Bible studies, community work day/restoration of building, general cleanup of land, and the Arkansas Historical Preservation Department held a meeting there on history of the church.

INTERROGATORY NO. 1: If you maintain that your use of the property has been for the purpose of worshiping God, teaching school, or burying people, please identify all activities which have occurred on the real property which fall into either category and, with respect to each, state the date of such activity, the names and addresses of the people who attended, and a general description of the activity.

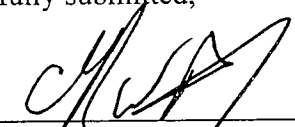
RESPONSE: Bible studies are held at the church on most Mondays and Thursdays since purchase. Dennis Clark leads the Monday study. On Thursday, Dennis Clark, Segal Bell, Mike

Lanier, Casey Jones, Bobby Reed, and Lee Ward are regular participants. The other uses have been consistent with normal uses for a community church.

INTERROGATORY NO. 2: Do you generate income from the rental of such real property to third parties? If your answer is "yes," identify all occasions upon which you have rented such real estate to third parties; the purpose for which it has been rented; and the amount of rental income you received from each rental agreement.

RESPONSE: No. Not applicable.

Respectfully submitted,



Clifford W. Plunkett, #95158
Seth M. Haines, #2004068
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Fayetteville, AR 72703
479-695-1103 – Telephone
479-695-2147 – Facsimile
plunkett@fridayfirm.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

I, Clifford W. Plunkett, certify that I have served a copy of the foregoing upon the following by electronic mail and/or U. S. Mail, postage prepaid, on this 19 day of July, 2016, to:

John C. Everett
Everett, Wales & Comstock
1944 East Joyce Blvd.
P.O. Box 8370
Fayetteville, AR 72703
Fax: (479) 443-0564
john@everettfirm.com



Clifford W. Plunkett

IN THE CIRCUIT COURT OF WASHINGTON COUNTY, ARKANSAS
CIVIL DIVISION

PRAIRIE GROVE CEMETERY
ASSOCIATION, INC.

PLAINTIFF

VS.

CASE NO. 72CV-2016-648-1

WASHINGTON COUNTY MILLING
CO., LLC

DEFENDANT

**INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS TO PLAINTIFF**

Comes now Defendant, Washington County Milling Co., LLC, by and through its attorneys, and propounds the following Interrogatories to Plaintiff, to be answered pursuant to the Arkansas Rules of Civil Procedure:

DISCOVERY REQUESTS

INTERROGATORY NO. 1: State the names, present addresses, and telephone numbers of all persons known or believed by you or your attorney to have information or knowledge of the issues alleged in the Complaint or any defenses or claims Defendant may have raised related to the Complaint.

INTERROGATORY NO. 2: For each person listed in response to the preceding Interrogatory, state briefly the facts of which such persons have knowledge.

INTERROGATORY NO. 3: With reference to each person you or your attorney intends to call as a witness in this matter, please state the following:

- (a) the name, address, work telephone number and home telephone number of each person;
- (b) the qualifications, if any, of each person;
- (c) a brief synopsis of what you expect each person's testimony to be;

- (d) the substance of all of the facts and opinions to which the witness is expected to testify; and,
- (e) a summary of the grounds for that opinion.

INTERROGATORY NO. 4: State whether you or your attorney or anyone acting on your behalf have obtained or possess any statements, in any form, from any person regarding this matter. If so, for each such statement, state:

- (a) the name, address and telephone number of the person from whom such statement was taken;
- (b) the date on which the statement was taken;
- (c) the name, address and telephone number of the person and employer of the person who took such statement;
- (d) the name, address and telephone number of all persons who have a copy of such statement;
- (e) whether such statements are oral, handwritten, typewritten, by recording device, or by court reporter; and,
- (f) state the substance of such statement.

REQUEST FOR PRODUCTION NO. 1: Produce any and all statements, documents, instruments, writings, letters, notes, memoranda, correspondence, electronic mail, facsimiles, tapes, videos, and all other forms of documents or recordings identified in your response to the preceding Interrogatory.

INTERROGATORY NO. 5: Please identify each and every document and other writing, if any, that you intend to introduce into evidence at the trial or hearing of this cause.

REQUEST FOR PRODUCTION NO. 2: Produce any and all statements, documents, instruments, writings, letters, notes, memoranda, correspondence, electronic mail, facsimiles, tapes, videos, and all other forms of documents or recordings identified in your response to the preceding Interrogatory.

INTERROGATORY NO. 6: Identify all correspondence, documents, records, statements, and all other information, documents and writings between Plaintiff and the Church that operated on the property involved in this action (“Church”) (regardless of the date) , and state the following:

- (a) The date(s) when such information and documents were received; and,
- (b) The name of each person who provided you with such information and documents.

REQUEST FOR PRODUCTION NO. 3: Produce and provide a copy of all correspondence, documents, records, statements, reports, and all other information, documents and writings between Plaintiff and the Church (regardless of the date), and/or as identified in your answer to the preceding Interrogatory.

REQUEST FOR PRODUCTION NO. 4: Produce a copy of all correspondence, whether electronic, paper, by text, or otherwise, you have had with Defendant, or any representative or agent of Defendant, which relate to the matters raised in the Complaint.

REQUEST FOR PRODUCTION NO. 5: Produce a copy of all deeds or instruments transferring or affecting title related to the property at issue demonstrating ownership by Plaintiff.

REQUEST FOR PRODUCTION NO. 6: Produce a copy of all correspondence, whether electronic, paper, by text, or otherwise, you have had with anyone which relates to the matters related to the Complaint.

INTERROGATORY NO. 7: For each expert whom you have either consulted concerning this litigation, or whom you expect to call as a witness at trial, please state:

- (a) The name, address, and telephone number of the expert;
- (b) Educational institutions attended, i.e. all colleges, universities and vocational trade or professional schools or institutions;
- (c) Degrees conferred;
- (d) Each and every area or field of expertise upon which he/she will offer expert testimony;
- (e) Names and identities of any and all publications to his/her credit;
- (f) Any and all journals, articles, treatises that the witnesses consider authoritative on the subject matter for which he/she will be offering expert testimony;
- (g) The subject matter on which each such expert is expected to testify;
- (h) The substance of the facts and opinions to which each such expert is expected to testify;
- (i) A summary of the grounds for each such opinion; and,
- (j) Attach a copy of the expert's curriculum vitae showing his/her education, training, expertise and articles or books that he has authored or co-authored which qualify him as an expert.

REQUEST FOR PRODUCTION NO. 7: Produce copies of all reports, tangible reports, compilations of data, and other material prepared by an expert or for any expert in

anticipation of the expert's trial or deposition testimony, including, without limitation, all material prepared by an expert used for consultation that forms the basis, either in whole or in part, of the opinion of an expert who is to be called as a witness.

INTERROGATORY NO. 8: Please state all facts supporting your contention that Plaintiff is entitled to ownership of the property by adverse possession.

REQUEST FOR PRODUCTION NO. 8: Please produce for inspection and copying all correspondences and documents in your possession relating to the previous Interrogatory.

REQUEST FOR PRODUCTION NO. 9: Please produce for inspection and copying any and all correspondences, documents, photographs, videos, drawings, architectural plans, blueprints, mockups or any other documents or representations relating to Plaintiff's use of the property in question.

INTERROGATORY NO. 9: Does Plaintiff contend that it purchased the property? If so, when and for what consideration?

INTERROGATORY NO. 10: When did Plaintiff begin using the property?

INTERROGATORY NO. 11: Describe all uses of the property by Plaintiff.

INTERROGATORY NO. 12: Describe all uses of the property by the Church since Plaintiff began using the property.

INTERROGATORY NO. 13: Describe all payments by Plaintiff to the Church since Plaintiff began using the property.

REQUEST FOR PRODUCTION NO. 10: Please produce for inspection and copying any and all documents and financial statements showing any payments by Plaintiff to the Church.

INTERROGATORY NO. 14: Has Plaintiff paid taxes for the property? If so, for what years?

REQUEST FOR PRODUCTION NO. 11: Please produce for inspection and copying any and all documents and financial statements showing any payments by Plaintiff of taxes related to the property.

INTERROGATORY NO. 15: State the names, present addresses and telephone numbers of all persons answering or assisting in providing answers to these interrogatories and requests for production of documents.

INTERROGATORY NO. 16: Does Plaintiff contend the Church donated/gave the property to it? If so, please state as follows:

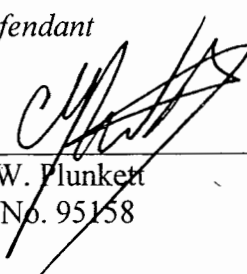
- (a) The date of the gift/donation;
- (b) Identify all documents/materials associated with the donation/gift,
- (c) The person or persons involved on behalf of the church and on behalf of Plaintiff.

REQUEST FOR PRODUCTION NO. 12: Produce all documents/materials related to Interrogatory No. 16.

Respectfully submitted,

Clifford W. Plunkett
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3425 North Futrall Drive, Suite 103
Fayetteville, Arkansas 72703
Telephone (479) 695-1103
Facsimile (479) 695-2147
plunkett@fridayfirm.com

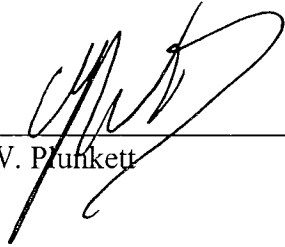
Attorneys for Defendant

By: 
Clifford W. Plunkett
Ark. Bar No. 95158

CERTIFICATE OF SERVICE

I, Clifford W. Plunkett, certify that I have served a copy of the foregoing upon the following by electronic mail and/or U. S. Mail, postage prepaid, on this 19 day of July, 2016, to:

John C. Everett
Everett, Wales & Comstock
1944 East Joyce Blvd.
P.O. Box 8370
Fayetteville, AR 72703
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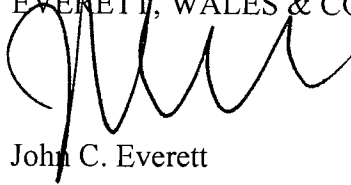


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~~Lloyd Wayne Luginbuel~~