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# MEMORANDUM

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## ATTORNEY OPINION

Date: December 6, 2016

To: Mayor Travis Lee  
City Council

From: Thomas P. Guarino, City Attorney 

Re: Betts Law Firm Matter

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This memorandum is to update the City Council in this matter and seek direction with respect to further proceedings.

### Background

It has been brought to my attention that there was concern regarding the retention of the Betts Law Firm and services provided. Councilwoman Winters identified this as an issue the City Council wanted addressed during our discussions where she offered me the position as City Attorney. I have reviewed this matter with the Recorder-Treasurer and obtained invoices for services from her. I also visited with the Mayor and Attorney Betts regarding services provided.

### Recent Developments

After reviewing the information obtained through my efforts described above I have concluded that services were provided by the Betts firm. I was also unable to locate the formal process by which the firm was retained. In researching the matter there is a legal argument that the fees should not be paid. However, there are also arguments the attorney could make supporting a claim for such fees. In either event, this would be a court matter and given the amount involved it may cost more to litigate than the matter is worth.

With the above in mind I contacted Attorney Betts and discussed the issues above. I have attached the e-mail discussions. In my experience when such events happen, if actual services were received, that having a ratification by the City Council of the funds spent is prudent to formally close out the issue. In this case the attorney is willing to waive \$14,807.65 in outstanding fees owed to bring the matter to a close.

Council Direction

At the City Council meeting on December, 13, 2016 I will be seeking direction from the Council on how you wish to proceed. It is my recommendation that the Council adopt a motion to ratify the fees paid and accept the \$14,807.65 waiver of fees as resolution of this matter.

TPG/tpg  
Attachments

**From:** Tom Guarino  
**Sent:** Wednesday, November 16, 2016 1:51 PM  
**To:** Anna Betts  
**Subject:** RE: Cave Springs

Sounds like a plan

Sent from Mail for Windows 10

**From:** Anna Betts  
**Sent:** Wednesday, November 16, 2016 12:08 PM  
**To:** Tom Guarino  
**Subject:** RE: Cave Springs

Tom,

I will be happy to get these things over to you. It may take just a bit of time because I'm going to have to comb through files and emails since I did not bill hourly. I'll piece together what I can and get it over to you if not before Thanksgiving, immediately after. I will send out a zero balance invoice at the end of the month with regular billing as well.

**Anna R. Betts**



201 S. 20<sup>th</sup> Street, Suite 9  
Rogers, AR 72758  
Ph: (479) 282-3676  
Fax: (479) 282-3671

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**From:** Tom Guarino [mailto:Tom.Guarino@cavespringsar.gov]  
**Sent:** Tuesday, November 15, 2016 12:29 PM  
**To:** anna@thebettsfirm.com  
**Subject:** Cave Springs

It was a pleasure speaking with you the other day. I spoke with the Mayor and he is in agreement with the idea that we bring a resolution of this matter to the City Council. I believe we can resolve this matter along the lines we discussed. In order to resolve the issue of whether prior payment were appropriate I will ask the City Council for a motion authorizing/ratifying payments made. There has been a request for information regarding work done previously. If it is not too voluminous a copy of the file should resolve the matter. ( If it is a big file costly to reproduce let me know I do not know how large this would be to copy). You mentioned you would send a revised invoice essentially crediting the balance due ( \$4,442.29) resulting in a zero balance. I think this would put to rest current concerns about work being appropriately authorized and what was done.

If you concur please let me know. I would like to present to Council in early December so having the invoice and documents in hand by then would be great. The documents and revised invoice can be forwarded to me below. Please leave the invoice addressed as you have in the past but send to me so I can present with ratification request.

I appreciate your professionalism in resolving this matter.

TOM

Thomas P. Guarino  
Attorney-at-Law  
2910 Bella Vista Way  
Bella Vista, AR 72714  
479-319-6251

Sent from Mail for Windows 10

**The Betts Firm**  
 201 S. 20th Street  
 Suite 9  
 Rogers, AR 72758  
 (479)282-3676

**The Betts Firm**

**Travis Lee**  
 134 N Main Street  
 Cave Springs, AR 72718  
 United States

**Balance** \$4,442.29  
**Invoice #** 00158  
**Invoice Date** November 01, 2016  
**Payment Terms**  
**Due Date**

**City of Cave Springs**

**Discounts & Additions**

Item	Applied To	Type	Description	Basis	Percent	Line Total
Discount	Flat Fees	% - Percentage		14807.65	70.0%	(10365.36)

Discount Total: **\$(10,365.36)**

**Unpaid Invoice Balance Forward**

Invoice #	Invoice Total	Amount Paid	Due Date	Balance Forward
00134	\$2,692.30	\$0.00	--	2692.30
00149	\$12,115.35	\$0.00	--	12115.35

Balance Forward: **\$14,807.65**

**Notes:**

Please call to discuss a discount on this matter, as I understand there may be issues with payment for the services rendered.

<b>Sub-Total:</b>	0.00
Discounts:	(10,365.36)
Additions:	0.00
Balance Forward:	14,807.65
<b>Total:</b>	4,442.29
<b>Amount Paid:</b>	0.00
<b>Balance Due:</b>	<b>\$4,442.29</b>

**The Betts Firm**  
201 S. 20th Street  
Suite 9  
Rogers, AR 72758  
(479)282-3676

*ok @ff*

The Betts Firm

**Kimberly Hutcheson**  
134 N Main Street  
Cave Springs, AR 72718  
United States

**Balance** \$9,423.05  
**Invoice #** 00146  
**Invoice Date** August 30, 2016  
**Payment Terms**  
**Due Date**

**City of Cave Springs**

**Flat Fees**

Date	Item	Description	Amount
08/30/2016	Flat Fee	May 21 - June 3, 2016 (previously invoiced on June 29, 2016, but unpaid)	1346.15
08/30/2016	Flat Fee	June 4 - June 17, 2016 (previously invoiced on June 29, 2016, but unpaid)	1346.15
08/30/2016	Flat Fee	June 18 - July 1, 2016	1346.15
08/30/2016	Flat Fee	July 2 - July 15, 2016	1346.15
08/30/2016	Flat Fee	July 16 - July 29, 2016	1346.15
08/30/2016	Flat Fee	July 30 - Aug. 12, 2016	1346.15
08/30/2016	Flat Fee	Aug. 13 - Aug. 26, 2016	1346.15

Flat Fee Total: **\$9,423.05**

Flat Fee Sub-Total:	9,423.05
<b>Sub-Total:</b>	<b>9,423.05</b>
<b>Total:</b>	<b>9,423.05</b>
<b>Amount Paid:</b>	<b>0.00</b>
<b>Balance Due:</b>	<b>\$9,423.05</b>



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## MEMORANDUM

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### ATTORNEY OPINION

Date: December 6, 2016

To: Mayor Travis Lee  
City Council

From: Thomas P. Guarino, City Attorney *TPG*

Re: City of Cave Springs v Sewell Family Development, LLC & City of Bentonville

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This memorandum is to update the City Council in this matter and seek direction with respect to further proceedings.

#### Background

In August of this year the City of Cave Springs filed a petition in Benton County Circuit Court challenging the annexation of certain real property owned by the Sewell Defendants. The Sewell's sought and obtained annexation of the property by the City of Bentonville. The ordinance adopted by the City of Bentonville annexing the property contained a finding that the City of Cave Springs failed to make sufficient commitments to provide certain municipal services to the Sewell's. The action by the City of Cave Springs challenges this finding and other issues. A copy of the pleadings is attached and contains a full discussion of the basis upon which the petition was filed.

#### Recent Developments

Due to my recent appointment as City Attorney, this is the first time I have been able to address this matter with you.

Recently there has been a request to take the depositions of certain city officials. In review of this matter it is my understanding that the original intent was to not only challenge the annexation but also to seek a resolution that would resolve both the suit and provide the necessary services. In discussing the matter with Mr. Rhoads, the attorney retained to litigate this matter, it seemed prudent to see if such a resolution was viable not only because it would be to all parties' benefit, but also because the petition process at the Circuit Court level is conservatively estimated to cost around \$15,000.00. As this matter is potentially appealable by either side it is possible that the total cost could exceed

\$25,000.00 to \$30,000.00. The delay of litigation would not be helpful to the development of the property and of considerable expense to all involved.

Recent e-mail discussions appear to indicate some interest in resolving the matter if services can be provided; (Attached e-mail 11-18-2016).

Council Direction

At the City Council meeting on December, 13, 2016 I will be seeking direction from the Council on how you wish to proceed. If the defendants are willing, there appears to be an opportunity to resolve this matter cost effectively for all involved. It would also appear a viable option and prudent use of resources to have Mr. Rhoads continue with the discussions to see if adequate assurances can be obtained regarding the provision of services.

TPG/tpg  
Attachments

FW: City of Cave Springs v. Sewell et al.

RRhoads@HallEstill.com

Wed 11/23/2016 4:33 PM

To: Tom Guarino <Tom.Guarino@cavespringsar.gov>;

FYI Also in response to your yesterday email to me: the Herren property water issue just might help persuade Rogers Commission to provide sewer to arguably Cave Springs residents ( Sewell's 24 acres) because it seems quite willing to provide water to Herren. Happy T'giving!



Robert K. Rhoads | Shareholder

75 N. East St., Suite 402

Fayetteville, AR 72701

T: 479-973-5200 | C: 236-1414 | F: 479-973-0520

[www.hallestill.com](http://www.hallestill.com) | [my bio](#)

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**From:** Bill Watkins [mailto:bwatkins@watkinslawoffice.com]

**Sent:** Friday, November 18, 2016 11:18 AM

**To:** Robert K. Rhoads

**Subject:** RE: City of Cave Springs v. Sewell et al.

He told me he would listen but would not commit at this time. He would need to see what level of sewer service would actually be offered and made available and compare building and development regs between the cities before he decided. Make a run at it and if they surprise me and seem interested we can talk some more. On the plus side Cave no doubt has lower - or no - impact fees compared to Bentonville.

Bill

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**From:** RRhoads@HallEstill.com [mailto:RRhoads@HallEstill.com]

**Sent:** Friday, November 18, 2016 11:11 AM

**To:** bwatkins@watkinslawoffice.com

**Subject:** RE: City of Cave Springs v. Sewell et al.

Bill, Cave Springs has a new City Atty, Tom Guarino, and between he and I we are trying to move this along quickly; therefore, would ask your client that if we can convince Rogers Sewer Commission and Bentonville to de annex would they go along with it? Thx RKR



Robert K. Rhoads | Shareholder  
75 N. East St., Suite 402  
Fayetteville, AR 72701  
T: 479-973-5200 | C: 236-1414 | F: 479-973-0520  
[www.hallestill.com](http://www.hallestill.com) | [my bio](#)

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**From:** Bill Watkins [<mailto:bwatkins@watkinslawoffice.com>]  
**Sent:** Friday, November 18, 2016 7:35 AM  
**To:** Robert K. Rhoads  
**Subject:** RE: City of Cave Springs v. Sewell et al.

I talked to the utility director about it.

Bill

---

**From:** [RRhoads@HallEstill.com](mailto:RRhoads@HallEstill.com) [<mailto:RRhoads@HallEstill.com>]  
**Sent:** Thursday, November 17, 2016 6:04 PM  
**To:** [bwatkins@watkinslawoffice.com](mailto:bwatkins@watkinslawoffice.com)  
**Subject:** FW: City of Cave Springs v. Sewell et al.

Bill: How do you know that Rogers Water would be unwilling? My offer was: if we (Cave Springs and me) can convince Rogers to provide sewer and then get Bentonville to de-annex, would Sewell be agreeable. Cave Springs has its own negotiation points, leverage, consideration, etc different than your clients. Thx RKR



Robert K. Rhoads | Shareholder  
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[www.hallestill.com](http://www.hallestill.com) | [my bio](#)

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**From:** Ann Hobin  
**Sent:** Thursday, November 17, 2016 1:53 PM  
**To:** Robert K. Rhoads  
**Subject:** City of Cave Springs v. Sewell et al.

Robert:

Please review the attached correspondence we received today from Bill Watkins regarding depositions... Please advise how you want me to proceed.

Thank you,



Ann Hobin | Paralegal for Curtis E. Hogue, Robert K. Rhoads, M. Scott Hall, & S. Richard Levin  
75 N. East Ave., Ste. 402

Fayetteville, AR 72701

T: 479-973-5252 | F: 479-973-0520 | [ahobin@hallestill.com](mailto:ahobin@hallestill.com)

[www.hallestill.com](http://www.hallestill.com)

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---

**WATKINS, BOYER,  
GRAY & CURRY, PLLC**

ATTORNEYS AT LAW

WILLIAM P. WATKINS, III, P.A.  
RONALD L. BOYER, P.A.  
JENNIFER E. GRAY, P.A.\*  
ANDREW T. CURRY, P.A.

WRITER'S DIRECT E-MAIL  
Bwatkins@watkinslawoffice.com

DELYNN HALE, SECRETARY  
AMY BENSON, PARALEGAL  
WHITNEY DUCKER, OFFICE MANAGER

\*ALSO LICENSED IN MISSOURI

November 16, 2016

Robert K. Rhoads  
Hall Estill  
75 N. East Ave., Suite 402  
Fayetteville, AR 72701

**Re: City of Cave Springs v. Sewell Family Development LLC  
and the City of Bentonville, Arkansas**

Dear Robert:

I did speak to my client regarding your client's proposal to take the subject property back into Cave Springs to be served by Rogers Water Utilities. For various reasons, not least being the unwillingness of the Rogers Water Utilities to enter into such an agreement, my client has instructed me to decline the offer.

I would like to get this case moving along and, therefore, want to arrange some depositions. I would like to depose the following individuals:

Mayor Travis Lee  
Tony Merworth  
Alderman Mary Ann Winters  
Alderman Larry Fletcher

I propose that we do all four of these in one day at my office in Rogers. Please let me know what dates in the first or second week of December you and your clients can be available. Thanks.

Sincerely,

WATKINS, BOYER,  
GRAY & CURRY, PLLC

  
Bill Watkins

BW:dh  
pc: client  
Mr, George Spence  
Clark & Spence  
121 S. Main St.  
Bentonville, AR 72712

*Rec'd 11.17.16*

1106 WEST POPLAR STREET  
ROGERS, AR 72756  
PH: 479-636-2168  
FX: 479-636-6098  
WWW.WATKINSLAWOFFICE.COM

REAL ESTATE, CONSTRUCTION & LIEN LAW, LAND USE & PLANNING  
CORPORATE & COMMERCIAL LAW, BANKING, BANKRUPTCY  
CRIMINAL LAW, FAMILY LAW, GUARDIANSHIPS, LANDLORD-TENANT  
ESTATE PLANNING, ELDER LAW, PROBATE, TRUST LITIGATION  
CIVIL LITIGATION, COMMERCIAL & CONSUMER DEBT COLLECTION

DUNCAN

FILED

2016 AUG 15 PM 2 44

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS  
CIVIL DIVISION

BRENDA DESHIELDS  
CLERK AND RECORDER  
BENTON COUNTY, AR.

CITY OF CAVE SPRINGS, ARKANSAS

PLAINTIFF

vs.

NO. 04CV-2016-1173-5

SEWELL FAMILY DEVELOPMENT, LLC &  
CITY OF BENTONVILLE, ARKANSAS

DEFENDANTS

PETITION

Comes now the Plaintiff, City of Cave Springs, Arkansas, and for its Petition against the Defendants, City of Bentonville, Arkansas, and Sewell Family Development, LLC, states:

1. This Court has jurisdiction over the parties and the subject matter of this action, and venue is proper in this Court. Ark. Code Ann. § 14-40-2004.

2. Plaintiff City of Cave Springs, Arkansas (hereinafter "Plaintiff") is a municipality located in Benton County, Arkansas.

3. Defendant Sewell Family Development, LLC (hereinafter "Sewell") is a Limited Liability Corporation organized and chartered under the laws of the State of Arkansas.

4. Defendant City of Bentonville, Arkansas (hereinafter "Bentonville") is a municipality located in Benton County, Arkansas.

5. On October 27, 2015, Sewell submitted to the Mayor of Cave Springs a request for services pursuant to Act 779 of 1999 (Ark. Code Ann. § 14-40-2001) (the "Request"), requesting municipal sewer service to serve a residential subdivision (the "Property"). A true

copy of the request for services is attached hereto as Exhibit A. Cave Springs responded to said request on November 25, 2015.

6. On June 29, 2016, Sewell filed with the Bentonville City Council its Petition for Annexation and Notice Pursuant to an Act to Assist Landowners in Obtaining Municipal Services. A copy of said Petition is attached hereto as Exhibit B.

7. On information and belief, on July 26, 2016, Bentonville passed an ordinance to annex the Property. The Ordinance, number 2016-96, is titled "AN ORDINANCE ACCEPTING AND ANNEXING CERTAIN REAL PROPERTY TO THE CITY OF BENTONVILLE, ARKANSAS, PURSUANT TO ACT 779 OF THE 82nd GENERAL ASSEMBLY AND ASSIGNING SAID PROPERTY TO A CITY WARD" (hereinafter referred to as the "Ordinance."). A copy of said Ordinance is attached hereto as Exhibit C.

8. At the time, the Property purportedly annexed by the Ordinance was comprised of one tract of land owned by Sewell. The Property is particularly described in Sewell's recorded deed, attached hereto as Exhibit D and incorporated herein by reference.

9. Upon information and belief, on or about August 15, 2015, Lorane, LLC, conveyed the Property to Separate Defendant Sewell, by way of Warranty Deed recorded June 29, 2016, Book 2016 Page 37956. A copy of the Warranty Deed is attached hereto as Exhibit E.

10. The Ordinance makes a judicial or quasi-judicial finding that Cave Springs has not made commitments and failed to take actions required by Act 779.

11. Pursuant to Ark. Code Ann. § 14-40-2004, Plaintiff hereby files this Petition to prevent the purported annexation of the subject Property by Bentonville, as Sewell and Bentonville failed to substantially comply with the subchapter as referenced in Ark. Code Ann. § 14-40-2004.

12. The ways in which the purported annexation of the subject Property is not in compliance with Ark. Code Ann. § 14-40-2001 et. seq. include, but are not limited to:

a. Sewell's Request to Cave Springs of October 27, 2015 did not substantially comply with Ark. Code Ann. § 14-40-2002(b)(1).

b. The Request failed to identify "additional municipal services" within the meaning of Ark. Code Ann. § 14-40-2001 et seq.

c. The Request sought services already being provided or made available to the subject property by Cave Springs.

d. To the extent the Request properly invoked Ark. Code Ann. § 14-40-2002, Cave Springs committed to take substantial steps toward providing the "additional services" as required by Ark. Code Ann. § 14-40-2002(b)(1)(D)(i).

e. Sewell failed to fulfill its obligation pursuant to Ark. Code Ann. § 14-40-2002(b)(1)(D)(iii) to comply with reasonable requests of Cave Springs that were necessary for any "additional services" to be provided.

f. There were in effect at all times to this matter ordinances in the City of Cave Springs providing the method and procedure by which Sewell could avail itself of the services provided or made available by Cave Springs. These ordinances were public record and constituted notice to all. Sewell's attempt to de-annex the subject property from Cave Springs is a misuse of Ark. Code Ann. § 14-40-2001 et seq. and an attempt to circumvent Cave Springs municipal ordinances pertaining to land development and approval; and

g. Otherwise failed to comply with the requirements of Ark. Code Ann. § 14-40-2001 et seq.

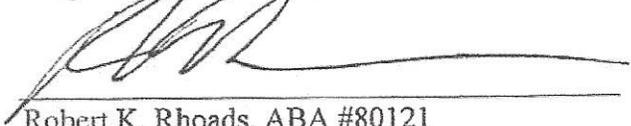
13. Because the purported annexation of the subject Property is not in compliance with Ark. Code Ann. § 14-40-2001 et seq., the purported annexation by Bentonville is of no effect, and the subject Property must remain within the city limits of the City of Cave Springs.

14. Plaintiff is entitled to an Order of the Court confirming that the subject Property remains within the city limits of the City of Cave Springs, Arkansas.

15. Plaintiff demands a jury trial.

WHEREFORE, for the reasons stated herein, the Plaintiff respectfully requests that its Petition be granted and that the subject property remain within the city limits of the City of Cave Springs, Arkansas, and that it be awarded its costs and attorney's fees expended herein, as well as any other relief to which it may be entitled whether specifically prayed for herein or not.

Respectfully submitted,



Robert K. Rhoads, ABA #80121

M. Scott Hall, ABA #07067

**HALL, ESTILL, HARDWICK, GABLE,  
GOLDEN & NELSON, P.C.**

75 N. East Avenue, Suite 402

Fayetteville, AR 72701-5388

Telephone (479) 973-5200

Facsimile (479) 973-0520

**ATTORNEYS FOR PLAINTIFF,  
CITY OF CAVE SPRINGS, ARKANSAS**

FILED  
2016 FEB 30 11 01 AM  
CLERK AND RECORDER  
BENTON COUNTY, AR.

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS  
CIVIL DIVISION

CITY OF CAVE SPRINGS, ARKANSAS

PLAINTIFF

vs.

CASE NO. CV-2016-1173-5

SEWELL FAMILY DEVELOPMENT, LLC,  
and the CITY OF BENTONVILLE, ARKANSAS

DEFENDANTS

ANSWER

Comes now the separate Defendant, City of Bentonville, Arkansas, and for its answer states:

1. That it denies each and every material allegation of fact made by the Plaintiff in its Petition, unless specifically admitted herein.

2. That it admits the Court has jurisdiction over the parties and subject matter of this cause of action.

3. That the separate Defendant admits the allegations made in paragraphs one, two, three, four, five, six, seven, eight and nine of Plaintiff's Petition.

4. That with respect to paragraph 10 of Plaintiff's Petition, separate Defendant states that the described ordinance speaks for itself.

5. That with respect to paragraph 11 of Plaintiff's Petition, separate Defendant denies that it failed to substantially comply with the requirements of Ark. Code § 14-40-2004 with regard to the annexation described in Plaintiff's Petition.

*Rec'd 9.1.16*

6. That it denies the allegation of paragraph 12(a) of Plaintiff's Petition.
7. That with respect to paragraph 12(b) of Plaintiff's Petition, it states that the failure to identify "additional municipal services" is not required.
8. That it denies the allegations of paragraph 12(c) of Plaintiff's Petition.
9. That it admits the allegations made in paragraph 12(d) of Plaintiff's Petition.
10. That it denies the allegations made in paragraphs 12(e), 12(f) and 12(g) of Plaintiff's Petition.
11. That paragraph 13 of Plaintiff's Petition is a legal conclusion, not a statement of fact, but to the extent it is a statement of fact, it is denied.
12. That paragraph 14 of Plaintiff's Petition is a prayer for relief, as opposed to a statement of fact, but to the extent it is a statement or an allegation of fact, it is denied.
13. That with respect to paragraph 15 of Plaintiff's Complaint, separate Defendant states that it does not believe a jury trial is proper in this type of case.

WHEREFORE, premises considered, the separate Defendant, City of Bentonville, Arkansas, prays that the Circuit Judge make findings as necessary to determine that the separate Defendant City of Bentonville has been substantially compliant with the requirements of Section 14-40-2001 et seq., of the Arkansas Code in this matter, thus essentially dismissing the Petition of the Plaintiff and for all other appropriate relief.

CITY OF BENTONVILLE, Defendant

  
George R. Spence, City Attorney  
Arkansas Bar # 89185  
Clark & Spence  
121 South Main Street  
Bentonville, AR 72712

CERTIFICATE OF SERVICE

I, George R. Spence, certify that I have on this 30<sup>th</sup> day of August, 2016, mailed a copy of the foregoing Answer to the attorney for the Plaintiff, the Hon. Robert K. Rhoads/Hon. M. Scott Hall, 75 N. East Avenue, Suite 402, Fayetteville, AR 72701-5388, and to the Hon. Bill Watkins, 1106 West Poplar, Rogers, AR 72756-4244, in the U. S. Mail with proper postage prepaid.

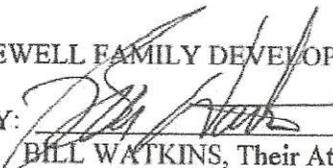
  
\_\_\_\_\_  
George R. Spence



- c. That if Cave Springs, in fact, had a method, plan or procedure in place to provide the requested services to the subject property it failed to communicate those methods, plans or procedures or otherwise keep Sewell apprised of their progress as it was required to do pursuant to A.C.A 14-40-2001, et seq.
  - d. That Sewell fully responded, in writing, to the single request for additional information made by the plaintiff and therein offered to provide additional information upon further request. No such additional request was ever received.
  - e. That both Sewell and the City of Bentonville completely and at all times complied with each and every requirement of A.C.A. 14-40-2001, et. seq.
- 5. Sewell specifically denies the allegations contained in paragraphs 13 and 14 of the plaintiff's complaint.
  - 6. In response to paragraph 15 of the plaintiff's complaint, Sewell states that trial by jury is not available nor proper in this matter.
  - 7. Sewell specifically denies each and every other allegation contained in the plaintiff's complaint not specifically admitted herein.

WHEREFORE, PREMISES CONSIDERED, Sewell Family Development, LLC., prays that this court enter its order determining that the Sewell Family Development LLC and City of Bentonville have fully complied with Act 779 and confirming the annexation of the subject property by the City of Bentonville, that the complaint of the plaintiff be, therefore, dismissed, and for all other reasonable and proper relief.

SEWELL FAMILY DEVELOPMENT, LLC

BY: 

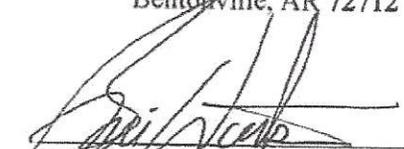
BILL WATKINS, Their Attorney  
Arkansas Bar No. 84209  
WATKINS, BOYER, GRAY  
& CURRY, PLLC  
1106 West Poplar  
Rogers, AR 72756  
(479) 636-2168  
bwatkins@watkinslawoffice.com

CERTIFICATE OF SERVICE

I, Bill Watkins, do hereby certify that I have mailed a true and correct copy of the foregoing Answer to the following as attorneys of record, postage prepaid this 8<sup>th</sup> day of September, 2016.

Robert K. Rhoads  
Mr. Scott Hall  
75 N. East Ave., Suite 402  
Fayetteville, AR 72701

George R. Spence  
City Attorney  
Clark & Spence  
121 South Main St.  
Bentonville, AR 72712



BILL WATKINS