



OFFICE OF THE  
CITY ATTORNEY

## DEPARTMENTAL CORRESPONDENCE



Kit Williams  
City Attorney

Blake Pennington  
Assistant City Attorney

Patti Mulford  
Paralegal

TO: Mayor Jordan  
City Council

CC: Don Marr, Chief of Staff  
Paul Becker, Chief Financial Officer

FROM: Kit Williams, City Attorney

DATE: April 4, 2017

RE: Supreme Court Mandate Issued (attached)  
City Hospital Land Case Fully Ended With Our Victory

At noon today, the Arkansas Supreme Court issued its Mandate in our favor which fully and finally resolves the case of the City's conveyance of the City Hospital Land to Washington Regional Medical Center. The Court found that the City and Washington Regional Medical Center did everything properly and legally. We carefully followed the Stones' deeds which conveyed the land to the City to be held in trust for hospital purposes. We faithfully followed their generous intent to benefit the health care for Fayetteville citizens by conveying this property to Washington Regional.

The Stone heirs who challenged Washington Regional Medical Center's ownership of the property sought to divert the property from its charitable purpose, but could not convince a single Judge or Justice out of the fourteen who heard and decided this case that the City of Fayetteville did anything wrong when it worked to comply with the Stones' deeds and finally conveyed this property to Washington Regional.

I want to thank all the City Council members (several of whom remain on this 2017 City Council) for supporting our efforts and voting to convey this property pursuant to the Stones' wishes to improve our citizens' access and use of important hospital services.

**MANDATE**

**AFFIRMED**

PROCEEDINGS OF MARCH 16, 2017

SUPREME COURT CASE NO. CV-16-277

JANE LIPSCOMB STONE, INDIVIDUALLY AND AS EXECUTRIX  
OF THE ESTATE OF MADOLENE STONE, DECEASED;  
BENJAMIN HICK STONE III; RUTH STONE JONES; MARGARET  
STONE COTTER; HARRIET STONE EVANS; PATRICIA MARTY  
STONE; EDWARD DURRELL STONE III; MARIA FRANCESCA  
STONE; FIONA CAMPBELL STONE; AND MATTHEW WHEPLEY APPELLANTS

V. APPEAL FROM WASHINGTON COUNTY CIRCUIT COURT  
(CV-14-1288)

WASHINGTON REGIONAL MEDICAL CENTER AND CITY OF  
FAYETTEVILLE, ARKANSAS APPELLEES

THIS APPEAL WAS SUBMITTED TO THE ARKANSAS SUPREME COURT ON  
THE RECORD OF THE WASHINGTON COUNTY CIRCUIT COURT AND BRIEFS OF  
THE RESPECTIVE PARTIES. AFTER DUE CONSIDERATION, IT IS THE DECISION OF  
THE COURT THAT THE JUDGMENT OF THE CIRCUIT COURT IS AFFIRMED; COURT  
OF APPEALS OPINION VACATED.

BAKER AND HART, JJ., CONCUR IN PART; DISSENT IN PART.

IT IS ALSO ORDERED THAT THE APPELLANTS SHALL PAY APPELLEE, CITY  
OF FAYETTEVILLE, \$123.00 FOR BRIEF COSTS IN THE APPEAL, AND THE  
APPELLANTS SHALL PAY APPELLEE, WASHINGTON REGIONAL MEDICAL CENTER  
\$129.00 FOR BRIEF COSTS IN THIS APPEAL.

IN TESTIMONY, THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE  
JUDGMENT OF THE ARKANSAS SUPREME COURT, I, STACEY PECTOL,  
CLERK, SET MY HAND AND AFFIX MY OFFICIAL SEAL, ON THIS 4TH DAY OF  
APRIL, 2017.



STACEY PECTOL, CLERK



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TO: **Mayor Jordan**  
**City Council**  
**Don Marr, Chief of Staff**  
**Paul Becker, Chief Financial Officer**

FROM: **Kit Williams, City Attorney**

DATE: **March 16, 2017**

RE: **Victory in City Hospital Land Transfer Case**

This morning the Arkansas Supreme Court ruled unanimously that Circuit Judge Cristi Beaumont properly granted Washington Regional Medical Center's and the City's Motion for Summary Judgment and Quieted Title of the City Hospital land in Washington Regional Medical Center's ownership.

Chief Justice Kemp speaking for the Supreme Court agreed with my analysis of the two Stone deeds (1906 & 1909) that the City as trustee of the property had to legally convey the property to Washington Regional Medical Center as the successor to the Fayetteville City Hospital.

"The final paragraph (of the deed) does not contain a possibility of reverter, and given the absence of such language, we agree with the circuit court's ruling that the 1909 Deed effectively released and terminated any reversionary interest of the Stones that was created in the 1906 Deed. Thus, as a matter of law, we hold that the circuit court properly ruled that the 1906 and 1909 Deeds were clear and unambiguous and that the 1909 Deed terminated the possibility of reverter contained in the 1906 Deed, thereby terminating the Stone heirs' interest in the property." *Stone Heirs v. WRMC and Fayetteville*, slip opinion p. 8, March 16, 2017.

Therefore, the Fayetteville City Council fulfilled its duty as trustee of the City Hospital property to convey the property to the only logical public hospital serving our Fayetteville citizens. The purchase of the property by the Fayetteville Public Library can now occur, and the library's expansion onto this property as approved by our Fayetteville voters can now be achieved.

