

2155 Apache Trail

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Summary

On April 26, 2000, Peggy New McKim Swaffar, aged 58, died in her home at 2155 Apache Trail, Conway, Arkansas. There were no known witnesses to her death, and the only other permanent residents of the home had criminal records and subsequently inherited ownership of the home and property, thereby profiting from her demise.

Over the next seven and a half years the home was left to deteriorate as a long string of transients passed through the property, temporarily joining the permanent residents—the permanent residents who were the only witnesses to Peggy New McKim Swaffar's death.

On a regular basis cars pulled into the driveway and the car's occupants went inside the home, only to return a few minutes later and drive away. Though the neighbors expressed concern to the local police and formed a neighborhood watch organization to gain a sense of security, there was no change in the activities in and around the house, the only run-down and neglected property in an otherwise well-kept neighborhood of middle class homes.

Meanwhile, the neighborhood lived in fear, convinced their homes and property would be violated and physical violence would be done to their person if they in any way crossed the residents of 2155 Apache Trail. Day by day, month by month, year by year, they hunkered down in their homes and prayed they would be spared.

On 15 November, 2007, local police and federal agents of the Bureau of Alcohol, Tobacco, Firearms and Explosives arrested Eddie Lynn Swaffar, Jr., then age 42, on a federal firearms warrant at his home at 2155 Apache Trail, Conway, Arkansas. This arrest ended a long period of suspected criminal activity in and around the neglected property, a home that was a cornucopia of concern and fear for the residents of the neighborhood.

The home at 2155 Apache Trail, Conway, AR, is currently co-owned by Eddie Linn Swaffar, Jr. and his uncle, Elmer Joe (E.J.) "Horsefly" Swaffar.

Eddie Linn Swaffar, Jr. is a convicted felon and has an extensive criminal record in Arkansas. He is currently serving a two year prison term in the Federal Correctional Facility in Texarkana, Texas and faces three years of supervised probation upon his release.

Elmer Joe (E.J.) "Horsefly" Swaffar also has a long criminal record in and around Conway, Arkansas. His recent arrests, at ages 65 and 68, included possession of thousands of stolen items, drug possession and attempted bribery.

Eddie Linn Swaffar, Jr. was involved in three lawsuits regarding his father's estate that were appealed to the Arkansas Supreme Court, of which he lost all three. One case, Swaffar II, was appealed to the U.S. Supreme Court, but it was not heard.

The first case, known as Swaffar I, involved a claim by Eddie Linn Swaffar, Jr.'s step-brother Billy Gracen McKim, that he was the lawfully adopted son of Eddie Linn Swaffar, Sr. The lawsuit was filed for the purposes of participating in the proceeds of the estate of the deceased Eddie Linn Swaffar, Sr. This claim was denied by the Arkansas Supreme Court since Mr. McKim made no effort to present himself as an adopted son until after the death of Eddie Linn Swaffar, Sr. and it was thus potentially profitable to do so.

The second case, known as Swaffar II, involved a claim by Eddie Linn Swaffar, Jr. against his uncle, W.C. Swaffar, as executor of his father's estate. The lawsuit alleged that one of two \$50,000 certificates of deposit obtained by his father, Eddie Linn Swaffar, Sr., prior to his death, was rightfully the property of Eddie Linn Swaffar, Jr. This claim was rejected by the Arkansas Supreme Court and the matter was sent back to the lower court for final adjudication. The lower court, using the guidance of the Supreme Court, ruled against Eddie Linn Swaffar, Jr. This case was appealed to the U.S. Supreme Court, which declined to hear it.

The third case, known as Swaffar III, involved a claim by Jim. R. Nash, the erstwhile attorney for Eddie Linn Swaffar, Jr., against same for interest in any possible outstanding assets of the estate of Eddie Linn Swaffar, Sr. The lawsuit sought payment for the eight years of legal representation on the part of Jim R. Nash on behalf of Eddie Linn Swaffar, Jr. The Arkansas Supreme Court ruled against Mr. Nash.

The estate of Eddie Linn Swaffar, Sr. was spent, in its entirety, on legal fees defending the estate and its executor, W.C. Swaffar, from lawsuits initiated and sustained by Eddie Linn Swaffar, Jr. In the end, the final accounting of the estate's value was zero. Meanwhile, Eddie Linn Swaffar, Jr., spent none of his own money on these lawsuits and his attorney, Jim R. Nash, spent eight years in litigation, including expenses, for nothing.

While the Swaffar family includes many upstanding members of communities in Faulkner County and elsewhere, there are members of the Swaffar family that have extensive criminal records and known associations with illicit drug manufacturing and distribution organizations as well as stolen property rings.

Members of the Swaffar family with known criminal records and associations include:

- Elmer Joe (E.J.) "Horsefly" Swaffar
- Eddie Linn Swaffar, Jr.
- Brandon Heath Swaffar
- Dustin Swaffar

Among these criminal Swaffars, perhaps the most intriguing is Elmer Joe (E.J.) "Horsefly" Swaffar. He is the owner and operator of a dilapidated used car lot consisting of non-current model year cars and trucks scattered about his residential property. Somehow, while operating this used car lot, over the years he amassed a fortune in real estate holdings.

He is the sole owner of record of 190 parcels of Faulkner County, Arkansas, real estate with an assessed value of \$1,207,600. Note that this total excludes the 2155 Apache Trail property, which he co-owns with Eddie Linn Swaffar, Jr. The parcels owned solely by Elmer Joe (E.J.) "Horsefly" Swaffar include 75 residential lots and/or homes and an additional 7,047.86 acres of land. The annual tax bill on these real estate holdings is an estimated \$ 9,553.

Even if you establish Elmer Joe (E.J.) "Horsefly" Swaffar's real estate wealth using the typically low assessed values, it begs the question how he accomplished this accumulation of wealth selling used cars. Either his used car sales produced enough profits to fund his business and his lifestyle while simultaneously paying for more than \$1,207,600 in real estate or he supplemented his official income with unofficial activities other than used car sales. Given his extensive criminal record, the latter seems the more likely scenario.

It is possible that Eddie Linn Swaffar, Jr., his step-brother and cousins learned the basics of how to be criminals from their elder, Elmer Joe (E.J.) "Horsefly" Swaffar, or worked with or for him in criminal enterprises. It is also possible that Eddie Linn Swaffar, Jr., his step-brother and cousins, while still children, were willing and able students; and equally possible that they will work diligently to pass on their criminal talents to subsequent generations of Swaffars.

Eddie Linn Swaffar, Jr. is married to Melissa LeAnn McGhee Swaffar and has two children, daughter Heather Swaffar and son Pascal James Swaffar. The wife and children are believed to be living in or around Benton, Arkansas, her home town and the home of her parents, James H. and Diana McGhee.

The home at 2155 Apache Trail is currently unoccupied and remains in a neglected and degenerate state. It receives sporadic maintenance by Melissa LeAnn McGhee Swaffar and its property taxes are current with Faulkner County.

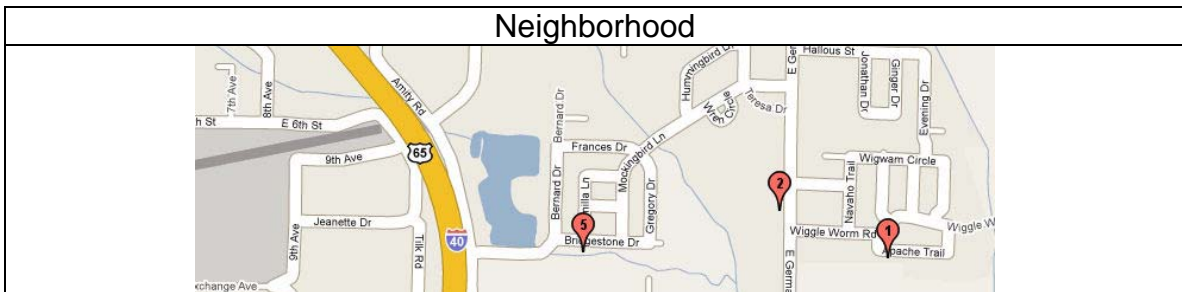
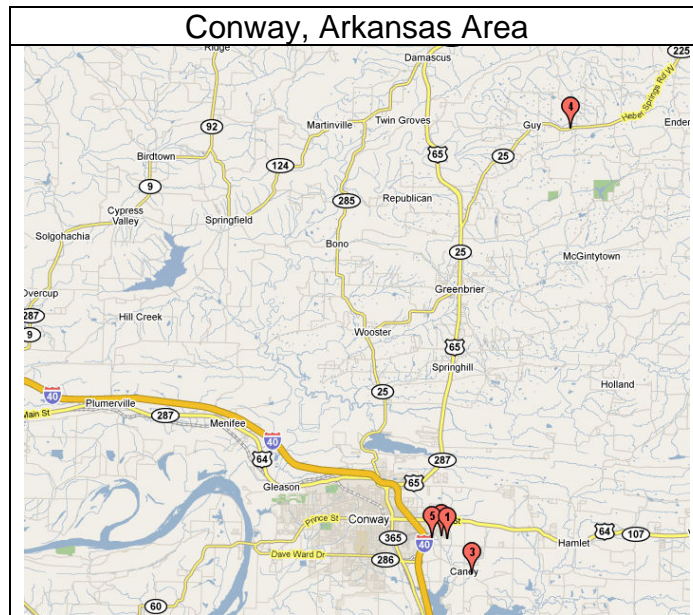
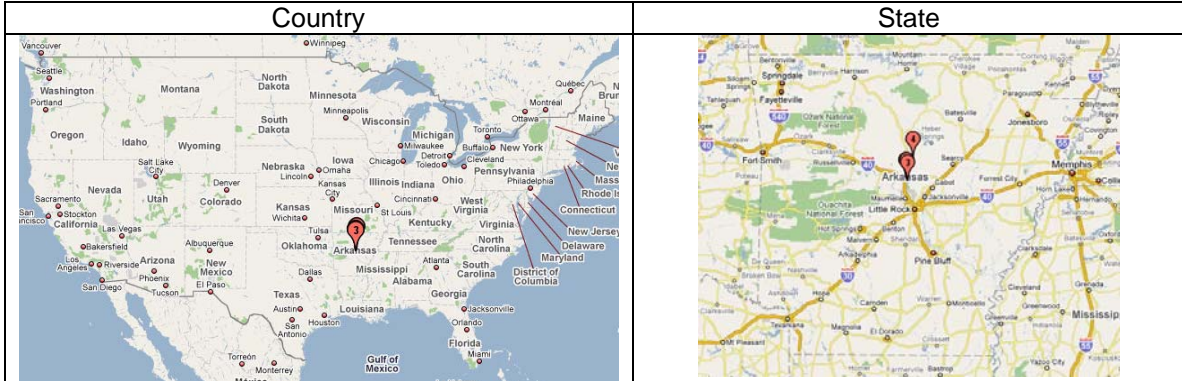
2155 Apache Trail

The home sits empty, slowly deteriorating, mournfully awaiting the day Eddie Linn and Melissa LeAnn Swaffar return, along with the endless stream of their friends, associates, and fellow criminals flowing through the dim hallways.

But even as the wind blows the long grass and weeds in what once was the home's front yard, the residents of the neighborhood around 2155 Apache Trail continue to live in fear—fear of September 28, 2010, the day that Eddie Linn Swaffar, Jr. returns to 2155 Apache Trail.

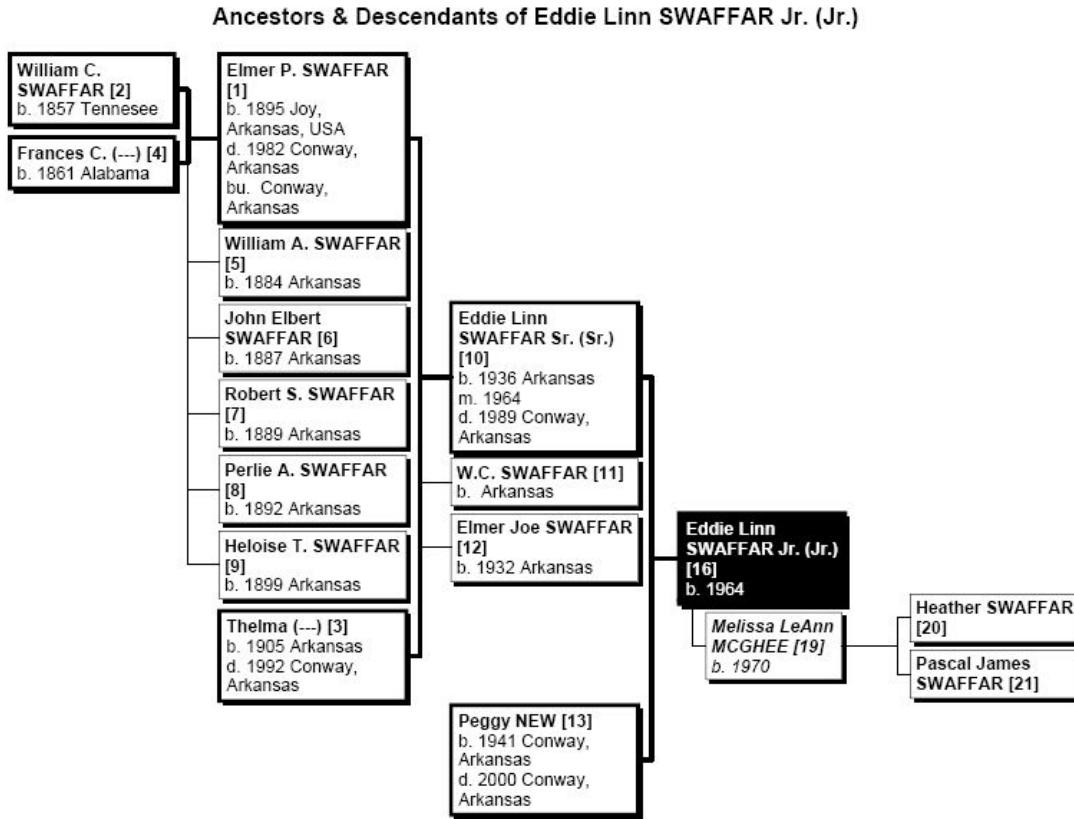


Geographic Locations



1 – 2155 Apache Trail	2 – Eddie Linn Swaffar, Sr.
3 – Elmer Joe (E.J.) "Horsefly" Swaffar	4 – W.C. Swaffar
5 – Louise Clara Hamling Swaffar	

Swaffar Family Tree



Note: The family tree is based on available information. There may be missing members of the family, including siblings and children at every level.

Sons of Elmer Pascal Swaffar and Thelma (unknown maiden name) Swaffar	
Son	Spouse
Eddie Linn Swaffar, Sr.	Peggy New
W.C. Swaffar	Frances H. (unknown maiden name)
Elmer Joe Swaffar	Louise Clara Hamling

Eddie Linn Swaffar, Jr.

Known aliases: Eddie Lynn Swaffar

Born 12/11/1964

Wife: Melissa LeAnn McGhee Swaffar, born 02/02/1970

Daughter: Heather Swaffar

Son: Pascal James McGhee Swaffar

In Laws: James H. McGhee and wife Diana of Benton, Arkansas

Sister in Law: Laura Kaye Forbes of Little Rock, Arkansas

Step-brothers:

- Billy Gracen McKim, born on October 1, 1961 (same mother, different father)
- Brandon Heath Swaffar (born out of wedlock) ~1984 (same father, different mother)

Parents:

- Father: Eddie Linn Swaffar, Sr., born March 2, 1936, died on April 8, 1989.
- Mother: Peggy New McKim Swaffar, born November 18, 1941, died April 26, 2000
- Marriage: March 23, 1964
- Divorce: filed August 1, 1977, Peggy Swaffar in Saline County Chancery Court, final 1980

Uncles:

- W.C. Swaffar of Guy, Arkansas
- Elmer Joe (E.J.) "Horsefly" Swaffar of Conway, Arkansas

Grandparents:

- Elmer Pascal Swaffar and Thelma (unknown maiden name) Swaffar

Former Attorney:

- Jim R. Nash

Admitted: 1970, Arkansas

Law School: University of Arkansas, J.D.

College: University of Arkansas, B.S.

ISLN: 904224816

Criminal Record Summary (may not be complete)

Offence Date	Case Number	Offence Code	Offence Description	Verdict
11/15/2007	1997	573103FD	POSSESSION OF FIREARM BY CERTAIN PERSONS	Unknown
11/15/2007	1997	564403FC	DEVL,POSS,MANU,ETC DRUG PARAPHERNALIA	Unknown
09/13/2006	2552	536106FB	THEFT BY RECEIVING	Convicted
09/13/2006	2551	513201FB	BATTERY - 1ST DEGREE	Convicted
04/15/2002 (disposition date)	315	992RU	POST-CONVICTION REMEDY	N/A
07/27/2001 (disposition date)	315	991PU	PROBATION REVOCATION	N/A
06/29/2000 (disposition date)	316	9920UU	UNSPECIFIED	Convicted
06/29/2000 (disposition date)	315	9920UU	UNSPECIFIED	Convicted
04/23/1995	316	9911MU	UNSPECIFIED MISDEMEANOR	Convicted
04/23/1995	316	565105MU	DRVNG W SUSPEND/REVOKED LICENSE(ACT 549)	Convicted
04/23/1995	316	5644011FC	MANU,ETC CONTRL SUB SCH IV,V < 200 GMS	Convicted
04/23/1995	315	574106FY	DRUGS AND FIREARMS, SIMULTANEOUS POS OF	Convicted

Current Federal Sentence

On 27 October, 2008, Eddie Lynn Swaffer, Jr., a.k.a. Eddie Linn Swaffar, Jr., was sentenced to 24 months in federal prison with an additional 3 years of supervised probation.

His current scheduled release date is 28 September 2010.

Court	Federal District Court, Eastern District, Arkansas, Little Rock
Judge	G. Thomas Eisele
Criminal Docket ID	4:07CR00351
Court Clerk's Office phone	501.604.5351
Federal Circuit Court web site	http://www.aren.uscourts.gov/default.cfm
Probation Officer:	Eric Myrene
U.S. Probation Office phone	501.604.5240
U.S. Federal Prison System name	Eddie Lynn Swaffer
U.S. Federal Prison System register #	24915-009
U.S. Federal Prison System release date	09-28-2010
U.S. Federal Prison	Texarkana, Texas
Texarkana Prison web site	http://www.bop.gov/locations/institutions/tex/index.jsp

Sunday, December 7, 1997

Faulkner residents called to jury duty

Christine Smith, Eunice V. Snow, JoAnn Spears, David Spotts, Damon Stegall, Sheila D. Sterka, Jostein Sunde, **Eddie L. Swaffar Jr.**, Stephanie Thomas, Chad Tollett, Tina Torian, Clifford Turner, Preston Turner, James A. Vowell, Jeremy E. Walton, Evelyn Ward, Henry Wegehoff;

Sunday, October 1, 2000

Circuit Court - Donald Sellars and Freda Sellars vs. Eddie Swaffar -- Case dismissed with prejudice Filed September 15 (Reynolds)

06/22/05

Fraud

Eddie L. Swaffar of Apache Trail reported Monday that a Little Rock woman stole two or more of his personal checks and forged one of them. The total amount was estimated at \$1,012.

'Eddie' Lee

Marlon Edward "Eddie" Lee, 35, of Conway, passed away Friday (June 24, 2005) at his home with his longtime friend and caregiver, Tracey Beene of Conway at his side.

He was born on March 3, 1970 in Conway to the late Lewis Edward Lee and Levena F. (Bryant) Lee.

He worked in construction and formerly attended the Church of Christ in Mayflower. He was a 1988 Conway High School graduate.

Upon graduation he enlisted in the U.S. Army. He was an Army veteran of the Gulf War serving in Operation Desert Shield and Operation Desert Storm as an ammunition specialist. He received many honors including the Army Achievement Medal, the Good Conduct Medal, Expert Rifle Badge, and the Southwest Asia Service Medal with two Bronze Stars. He was a proud soldier of the 3rd platoon 664 Ordnance Company. He was also a member of the VFW and a very dedicated NASCAR fan.

Survivors include one brother, Stanley Higdon and wife Pam of Greenbrier; one sister, Kathy Reed and husband John of Vilonia; three daughters, Tiffany and Samantha Lee of Haskell, and Nichole Lee of Conway; one son, Blake Lee of Haskell; three nieces, two nephews, one great-nephew; Joe Bryant and family of Holland, Catherine Easter and family of Benton; and several other loving family members.

Funeral services will be 10 a.m. Tuesday at Roller-McNutt Funeral Home in Greenbrier with Rev. Tom Edwards officiating. Interment will follow at Martinville Cemetery.

Visitation will be 6 to 8 p.m. Monday at the funeral home.

Pallbearers will be Kevin "Superman" Key, Eddie Swaffar, "Famous" Amos Hayes, Tony Hudson, William Cook, and Arden Cook. Honorary pallbearers will be Stanley "Bubba" Higdon, Tim Boley, and Robin Manning.

In lieu of flowers, memorials may be sent to the Eddie Lee Donation Fund at any First Security Bank.

To sign the online guestbook visit www.rollermcnutt.com.

Nov. 14, 2007

Federal warrant served at 2155 Apache Trail. Officers with Conway Police Department assisted agents from the Bureau of Alcohol, Tobacco, Firearms and Explosives in arresting Eddie Lynn Swaffar, 42, on a federal firearms warrant. Federal case information was not available Wednesday.

Nov. 16, 2007

Eddie L. Swaffar Jr., 42, Conway, 2155 Apache Trail violating probation, theft by receiving, drug paraphernalia possession, felon in possession of a firearm. Bond was denied. Division 3 revocation hearing was set for Dec. 14.

Melissa LeAnn McGhee Swaffar (wife)

Born: 02/02/1970

Parents: James H. and Diane M. McGhee

Children:

- Daughter: Heather Swaffar
 - Son: Pascal James McGhee Swaffar
-

Criminal Record

Nationwide criminal search for SWAFFAR, MELISSA LEANN

Subject:

Name: SWAFFAR, MELISSA

Date of Birth: 02/02/1970

Offenses:

Offense: 1 HOT CHECK/PERSONAL SERVICES UP TO \$200

Offense State: AR

Offense Code: 537302MU

Case Number: 531

Original Plea: NOT GUILTY

Disposition Date: 05/07/2001

Verdict Finding: NOT PROCESSED

Subject:

Name: SWAFFER, MELISSA L

Date of Birth: 02/02/1970

Offenses:

Offense: 1 HOT CHECK/PERSONAL SERVICES UP TO \$200

Offense State: AR

Offense Date: 12/20/2007

Offense Code: 537302MU

Case Number: 2276

Arrest Date: 12/20/2007

Peggy New McKim Swaffar (Mother)

- Born 11/18/1941, Conway; - Died 4/26/2000, Conway; aged 58;
 - Parents: Roy C. and Melissa Echols New
 - Grandparents: W.A. and Ella Lucy Alston Echols
 - Children: Billy Gracen McKim; Eddie Linn Swaffar, Jr.; Melissa Ivy (not confirmed)
 - Siblings: Betty Atkins and husband James Atkins; Patsy Ellen New Graves (Born April 18, 1940 - deceased August 19, 2005) and Kenneth Graves Sr.
 - Graduated Little Rock Hall High School 1959
-

His mother, Peggy McKim, married the decedent, Eddie Linn Swaffar, Sr., on March 23, 1964, and they lived in Faulkner County. Later, appellant Eddie Linn Swaffar, Jr., was born of this union. The marriage lasted fourteen years and was punctuated by many separations.

...

On August 1, 1977, Peggy Swaffar filed a complaint for divorce in Saline County Chancery Court

The divorce suit culminated, after a three-year separation, in a divorce decree that awarded Peggy Swaffar forty dollars a week for the support of the minor child, Eddie Linn Swaffar, Jr.

Obituary

Mrs. Peggy Swaffar

Sunday, April 30, 2000

Mrs. Peggy New Swaffar, 58, of Conway died Wednesday (April 26, 2000) at her residence.

Born Nov. 18, 1941, in Conway, a daughter of Roy C. and Melissa Echols New of North Little Rock, she was a 1959 graduate of Hall High School and a retired business woman.

She was preceded in death by her father and her husband, Ed Swaffar.

She is survived by her mother; two sons, Billy McKim and Eddie Swaffar, both of Conway; two sisters, Pat Graves of Little Rock and Betty Akins of Zionsville, Indiana; and six grandchildren.

Graveside services will be 10 a.m. Monday at Oak Grove Cemetery by Roller-McNutt Funeral Home.

Visitation is 2 to 4 p.m. today at the funeral home.

In lieu of flowers, memorials may be made to the Humane Society of Faulkner County.

Eddie Swaffar, Sr. (Father)

Eddie Linn Swaffar, Sr.,
Born: March 2, 1936
Death: April 8, 1989, Conway, Arkansas.

Eddie Linn Swaffar Sr. died testate on April 8, 1989, of cancer after having survived severe burns he incurred in an accident at his welding shop in Conway, Arkansas.

50 years ago

(1953)

Conway Chapter 44, Future Farmers of America, won the runner-up spot in livestock judging in Northwest District convention at Russellville. Members of the team were Eddie Swaffar, Truman Starkey and Don Burr.

Swaffar II case before the Arkansas Supreme Court

Supreme Court of Arkansas
Opinion delivered February 10, 1997

Appellant's (Eddie Linn Swaffar, Jr.) claim for set-off is based primarily upon his efforts in Pulaski County Circuit Court to obtain the return to the estate (of Eddie Linn Swaffar, Sr.) of the land valued at \$361,500.00.

Shop and Home of the late Eddie Linn Swaffar, Sr. - 365 E. German Lane, Conway, Arkansas



W. C. Swaffar (Uncle)

50 years ago

(1955)

W.C. and Elmer Joe Swaffar and their father, Elmer P. Swaffar, rescued two Little Rock men from Lake Conway when their boat overturned. The Swaffars were setting out a trotline when they heard calls for help. It took more than two hours to find the men, but when they did, one man was sitting on a partially submerged tree that had fallen in the water and the other was holding on to a stump. The unidentified men were about 75 or 80 years old. The Swaffar brothers were in a small fishing boat and could only take one man out at a time. The lack of a flashlight slowed the rescue.

(1955)

W.C. Swaffar, a Conway Printing Co. pressman, killed a six-point buck a little later. He used a brand new rifle purchased just before leaving for the hunt.

Monday, May 18, 1998

Sheriff's Log: Deputies investigate string of thefts, burglaries in county

* W. C. Swaffar of 636 Highway 25 said that Friday night someone pried open the door on his storage building and took a \$4,000 all-terrain vehicle.

12/20/03

Saturday, Dec. 13, was the first lighting of the new live Christmas tree at Guy City Hall.

The tree was donated by Swaffar and Wilson Tree Farm in Guy. Owners are W.C. Swaffar and Johnny and Karen Wilson.

Elmer Joe (E.J.) "Horsefly" Swaffar (Uncle)

Elmer Joe (E.J.) "Horsefly" Swaffar is the co-owner of the home and property at 2155 Apache Trail with Eddie Linn Swaffar, Jr.

Elmer Joe (E.J.) "Horsefly" Swaffar is the owner of record of 190 parcels of Faulkner County, Arkansas, real estate with an assessed value of \$1,207,600. The parcels include 75 residential lots and/or homes and an additional 7,047.86 acres of land. The annual tax bill on these real estate holdings is an estimated \$9,553.

Date of Birth: 08/15/1934

Criminal Record Summary (may be incomplete, especially for older records)

Offence Date	Case Number	Offence Code	Offence Description	Verdict
08/17/1989	162	564403FC	DEVL,POSS,MANU,ETC DRUG PARAPHERNALIA	Not Processed
08/17/1989	163	5644017FC	MANU,DEL, POSS MARIJUANA < 10 LBS	Not Processed
08/17/1989	164	5644017FC	MANU,DEL, POSS MARIJUANA < 10 LBS	Not Processed
12/05/1999	1030	536106FB	THEFT BY RECEIVING	Not Processed
12/05/1999	1030	564401MA	POSS CTRL/CNFT SUB WO PRESC	Not Processed
12/05/1999	1030	564403FC	DEVL,POSS,MANU,ETC DRUG PARAPHERNALIA	Not Processed
12/27/1999	1030	536106FC	THEFT BY RECEIVING	Convicted
12/27/1999	1030	536106FC	THEFT BY RECEIVING	Not Processed
08/09/2004 (disposition date)	1030	991PU	PROBATION REVOCATION	Convicted
06/04/2001	597	573103FB	POSSESSION OF FIREARM BY CERTAIN PERSONS	Convicted
06/04/2001	597	552103FD	PUBLIC SERVANT BRIBERY	Convicted
06/04/2001	597	33306MU	POSSESSION IN DRY TERRITORY	Convicted
06/04/2002	1683	573103FD	POSSESSION OF FIREARM BY CERTAIN PERSONS	Convicted

Criminal Record Detail (may be incomplete, especially for older records)

Subject Name: SWAFFAR, ELMER JOE

Nationwide criminal search for SWAFFAR, ELMER JOE

Subject:

Name: SWAFFAR, ELMER J

Sex: MALE

Race: WHITE

Offenses:

Offense: 1 DEVL,POSS,MANU,ETC DRUG PARAPHERNALIA

Offense State: AR

Offense Code: 564403FC

Case Number: 162

Arrest Date: 08/17/1989

Original Plea: NOT GUILTY

Disposition Date: 01/05/1990

Verdict Finding: NOT PROCESSED

Subject:

Name: SWAFFAR, ELMER J

Sex: MALE

Race: WHITE

Offenses:

Offense: 1 MANU,DEL, POSS MARIJUANA < 10 LBS

Offense State: AR

Offense Code: 5644017FC

Case Number: 163

Arrest Date: 08/17/1989

Original Plea: NOT GUILTY

Disposition Date: 01/05/1990

Verdict Finding: NOT PROCESSED

Subject:

Name: SWAFFAR, ELMER J

Sex: MALE

Race: WHITE

Offenses:

Offense: 1 MANU,DEL, POSS MARIJUANA < 10 LBS

Offense State: AR

Offense Code: 5644017FC

Case Number: 164

Arrest Date: 08/17/1989

Original Plea: NOT GUILTY

Disposition Date: 01/05/1990

Verdict Finding: NOT PROCESSED

Subject:

Name: SWAFFAR, ELMER JOE

Sex: MALE

Race: WHITE

Date of Birth: 08/15/1934

Offenses:

Offense: 1 THEFT BY RECEIVING

Offense State: AR

Offense Date: 12/05/1999

Offense Code: 536106FB

Case Number: 1030

Arrest Date: 12/27/1999

Original Plea: NOT GUILTY

Disposition Date: 04/04/2001

Verdict Finding: NOT PROCESSED

Offense: 2 POSS CTRL/CNFT SUB WO PRESC

Offense State: AR

Offense Date: 12/05/1999

Offense Code: 564401MA

Case Number: 1030

Arrest Date: 12/27/1999

Original Plea: NOT GUILTY

Disposition Date: 04/04/2001

Verdict Finding: NOT PROCESSED

Offense: 3 DEVL,POSS,MANU,ETC DRUG PARAPHERNALIA

Offense State: AR

Offense Date: 12/05/1999

Offense Code: 564403FC

Case Number: 1030

Arrest Date: 12/27/1999

Original Plea: NOT GUILTY

Disposition Date: 04/04/2001

Verdict Finding: NOT PROCESSED

Offense: 4 THEFT BY RECEIVING

Offense State: AR

Offense Date: 12/27/2000

Offense Code: 536106FC

Case Number: 1030

Arrest Date: 12/27/1999

Original Plea: GUILTY

Disposition Date: 04/04/2001

Verdict Finding: CONVICTED

Offense: 5 THEFT BY RECEIVING

Offense State: AR

Offense Date: 12/27/2000

Offense Code: 536106FC

Case Number: 1030

Arrest Date: 12/27/1999

Original Plea: NOT GUILTY

Disposition Date: 04/04/2001

Verdict Finding: NOT PROCESSED

Subject:

Name: SWAFFER, ELMER

Sex: MALE

Race: WHITE

Date of Birth: 08/15/1934

Offenses:

Offense: 1 PROBATION REVOCATION

Offense State: AR

Offense Code: 991PU

Case Number: 1030

Original Plea: GUILTY

Disposition Date: 08/09/2004

Verdict Finding: CONVICTED

Subject:

Name: SWAFFAR, ELMER JOE

Sex: MALE

Race: WHITE

Date of Birth: 08/15/1934

Offenses:

Offense: 1 POSSESSION OF FIREARM BY CERTAIN PERSONS

Offense State: AR

Offense Date: 06/04/2001

Offense Code: 573103FB

Case Number: 597

Arrest Date: 06/04/2001

Original Plea: GUILTY

Disposition Date: 08/09/2004

Verdict Finding: CONVICTED

Offense: 2 PUBLIC SERVANT BRIBERY

Offense State: AR

Offense Date: 06/04/2001

Offense Code: 552103FD

Case Number: 597

Arrest Date: 06/04/2001

Original Plea: GUILTY

Disposition Date: 08/09/2004

Verdict Finding: CONVICTED

Offense: 3 POSSESSION IN DRY TERRITORY

Offense State: AR

Offense Code: 33306MU

Case Number: 597

Arrest Date: 06/04/2001

Original Plea: GUILTY

Disposition Date: 08/09/2004

Verdict Finding: CONVICTED

Sentence: 1

Subject:
Name: SWAFFAR, ELMER JOE
Sex: MALE
Race: WHITE
Date of Birth: 08/15/1934
Offenses:
Offense: 1 POSSESSION OF FIREARM BY CERTAIN PERSONS
Offense State: AR
Offense Date: 06/04/2002
Offense Code: 573103FD
Case Number: 1683
Original Plea: GUILTY
Disposition Date: 08/09/2004
Verdict Finding: CONVICTED

Elmer Joe (E.J.) "Horsefly" Swaffar is the owner and proprietor of:

E J Swaffar Auto Sales
251 Highway 286 E
Conway, AR, 72032
Faulkner County
(501) 697-0457 – Phone

		
Satellite photo view of E.J. Swaffar Auto Sales	Roadside sign for E.J. Swaffar Auto Sales	Driveway entrance of E.J. Swaffar Auto Sales and vehicles for sale.

It is unknown how this auto sales business generated sufficient profits to pay for over \$1,207,600 in real estate or how it generates sufficient revenue to meet ongoing obligations, including an estimated \$9,553 in annual real estate taxes on the 190 parcels of Faulkner County, Arkansas, real estate owned by Elmer Joe (E.J.) "Horsefly" Swaffar.

(1958)

Three Faulkner County political races were settled in the biennial Democratic primary. Joe Castleberry won his race for sheriff and collector; T.D. Reedy won the position of county judge and Mrs. Jewell Crow won in the race for county and probate clerk. Elmer Joe Swaffar would oppose C.J. Reasoner in a run-off for tax assessor.

Sunday, September 26, 1999

Grace C. Kelly vs. Elmer Joe Swaffar -- Plaintiff's motion to dismiss ex parte order of protection is granted; defendant ordered to pay \$125 in court costs. Filed Aug. 31. (Reynolds)

Sunday, June 3, 2001

Elmer Swaffar of Conway reported on Thursday that someone took \$3,800 in guns, including a \$2,500 World War II commemorative Colt .45, from his son's residence on Sessions Road.

Man facing theft charges after police raid residence

By BEAU WILCOX

Log Cabin Staff Writer

Thursday, December 30, 1999



David Berry of the Conway Police Department's criminal investigation division inventories items retrieved from the residence of Elmer Swaffar. A large amount of items that were believed to be stolen were found at the residence. Mike Kemp Photo

Beau Wilcox

A Conway area man has felony theft charges pending against him after authorities netted at least thousands of dollars in stolen property after an exhaustive search of his house.

Elmer Joe Swaffar, 65, was arrested Tuesday after a warrant was executed at his Highway 286 home. He has been charged with theft by receiving, misdemeanor drug possession and firearm violations.

According to Capt. A. J. Gary of the Conway Police Department and Faulkner County Sheriff Marty Montgomery, the property seized Tuesday likely solves more than 200 recent burglaries and thefts in the area. They indicated that most of the items were taken from construction sites and out of citizens' yards.

Two other men and a woman have also been arrested in connection with the thefts, but authorities will not release their identities because they are hopeful of obtaining further information from them about the items stolen.

Gary said this morning that the other arrestees have been cooperative and useful in identifying owners of the property in question.

"They've been helping us out tremendously," he said.

Most of the property found at Swaffar's house -- including various power and hand tools, air compressors, lawn-care implements and gas cans -- was still being itemized by detectives Wednesday while it was stored at the Faulkner County Emergency Squad's headquarters. The

search also yielded a large number of firearms, some of which were sawed off and others bearing defaced serial numbers, and a small amount of marijuana.

The arrests of Swaffar and the other three individuals comes after an investigation by the sheriff's office and the Conway Police Department. Montgomery said both agencies were inundated with theft reports recently, and they began to overlap.

"Our investigations criss-crossed," Montgomery said.

The collaborative effort ended with Swaffar's home just outside Conway city limits being in the crosshairs of both agencies and the federal Bureau of Alcohol, Tobacco and Firearms. The search, according to Gary, took two days, and returning the property will be an even lengthier process.

"That's the biggest job now," Montgomery said. "It will take a week or two at least to get identification of (owners)."

Of the 200-plus weapons confiscated, Gary said authorities are unsure how many qualify as stolen property.

"There was a lot of stuff there that we couldn't determine if it was stolen or not," he said, but added he anticipated more firearm charges against Swaffar after the ATF finishes tracing all the weapons to find out exactly how many are stolen.

Swaffar, who was released on \$16,000 bond Wednesday, was arrested in 1989 on gun and drug charges after authorities found several marijuana plants and rolled marijuana cigarettes at his home, but the case was eventually dismissed.

(Staff writer Beau Wilcox can be reached by phone at 505-1240 or by e-mail at bwilcox@thecabin.net)

Thursday, March 9, 2000

The trial of Elmer Joe Swaffar, 65, of Conway, who was arrested in December after law enforcement officials raided his home and found thousands of dollars in stolen goods, was set for Monday, June 5, by Circuit-Chancery Judge Karen Baker.

Swaffar's pretrial hearing is scheduled for Monday, May 15.

A cooperative effort by the Faulkner County Sheriff's office and the Conway Police Department led them to Swaffar's residence on Highway 286 East, where they found a plethora of lawn and garden equipment, tools and other items that had been reported stolen across the county.

A quantity of marijuana was also found. Swaffar was arrested for theft by receiving and two separate drug charges.

Swaffar trial set June 5

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Judge recuses from Swaffar trial
By BEAU WILCOX
Log Cabin Staff Writer
Tuesday, August 15, 2000

By Beau Wilcox

A Conway-area man being tried for his role in a theft ring will apparently not go to trial as soon as scheduled.

Elmer Joe "Horsefly" Swaffar's case will be moved to another Faulkner County judge's jurisdiction. A spokesman in Circuit-Chancery Judge Karen R. Baker's office said this morning that Judge Baker has recused from the case, and the matter will be transferred to First Division Court. Circuit-Chancery Judge David L. Reynolds has not accepted the case yet.

The trial had been set for the first week in September but will likely be delayed again.

Swaffar was arrested in late December and charged with felony theft by receiving, misdemeanor drug possession and firearms violations after authorities located several thousands of dollars of stolen property during a raid of his Highway 286 home.

The arrest of Swaffar came after a cooperative effort between the Faulkner County Sheriff's Office and Conway Police Department led them to search his house. A quantity of various items - including power and hand tools, lawn-care implements and air compressors -- was discovered, along with some illegally altered firearms and a small quantity of marijuana.

(Staff writer Beau Wilcox can be reached by phone at 505-1240 or by e-mail at bwilcox@thecabin.net)

Property return day slated Saturday
By DAVID BENNETT
Log Cabin Staff Writer
Sunday, January 16, 2000

David Bennett

City and county authorities will attempt Saturday to reunite some stolen property with its owners.

Detective David Berry of the Conway Police Department said investigators have recently recovered a larger than normal amount of stolen property.

He said they believe the property was taken in numerous thefts throughout the city and county. Therefore, the police department and Faulkner County Sheriff's Office will hold a special property return day Saturday. This will give theft victims a chance to identify and reclaim their property.

Berry said people who think they may have items recovered need to make sure they have filed a report with the police department or sheriff's office noting what property was taken. The report must be filed before Saturday.

The event will be held from 8 a.m. to noon Saturday on Middle Road, just east of Amity Road (the site of the old county shop).

Berry said the items will include property recovered in the Dec. 28 arrest of Elmer Joe Swaffar. Swaffar was charged with theft by receiving, misdemeanor drug possession and firearm violations.

A search of Swaffar's Highway 286 home turned up thousands of dollars in stolen property. Most of the items appeared to have been taken from construction sites or out of residents' yards.

Items that will be available for recovery Saturday include numerous hand tools, drills, battery chargers, several television sets, string trimmers, saws, saddles and various other items.

For further information, contact the police department or the sheriff's office.

(Staff writer David Bennett can be reached by phone at 505-1260 or e-mail at dbennett@thecabin.net)

Sheriff's Log: Man with weapons, 200 bottles of alcohol attempts bribe, according to Conway police

By SAMANTHA HUSEAS
Log Cabin Staff Writer

Wednesday, June 6, 2001

While helping probation officers perform a home search Monday, deputies found several items that led to the arrest of the home's resident, although he allegedly tried to bribe his way out of it.

According to a Faulkner County Sheriff's Office report, guns were found in the bedroom and living room while cross bows were found in another room of Elmer Jo Swaffar's home on Highway 286 East.

Nearly 200 bottles of alcohol were also allegedly found, far over the legal limit. Also taken into evidence were 19 hunting knives, a machete, eight swords and a cedar club, according to the report.

A probation officer reported Swaffar attempted to bribe her into helping him out of trouble, the report stated. He offered, the probation officer said, to rent a storage building in her name and allow her to have access to all the items if she would allow him to put them into the building.

He also allegedly offered to pay the officer to come back to the residence later and make sure there were no other illegal items found.

Monday, June 18, 2001

Circuit Court

State of Arkansas vs. Elmer Swaffar -- Motion for revocation warrant issued on basis of receiving new charges. Filed June 5. (Reynolds)

Thursday, January 31, 2002

Sheriff's Log

Elmer Swaffar, 67, of Conway was arrested Wednesday on a probation violation.

Tuesday, December 10, 2002

Sheriff's Log

Elmer Joe Swaffar, 68, of Conway, was arrested Friday on a felony firearms warrant.

Brandon Heath Swaffar (Step-brother)

FBLA chapter at VJHS elects 1998-99 officers

Tuesday, March 2, 1999

The Vilonia Junior High School chapter of Future Business Leaders of America has elected officers for the 1998-99 school year. They are Cory Stocks, president; Gabe Wilcox, vice president; Jodi Sanson, secretary; Carly Meadows, treasurer; Annie Wilcox, reporter-photographer; and Josh Clayton, student council representative.

Stocks, Miss Sanson, Meadows and Clayton all attended the Fall Leadership Conference at the University of Central Arkansas. Other members attending were Dustin Brock, Jeff Green, Stephanie Haltom, Robin Huey, Tyler Jones, Chris Miller, Amanda Mize, Mike Sims, Ashlee Smith, Shauna Stocks, Ashley Thomas, Jamie Tyler, Heath Waite, Vanessa Waite, Shannon Haltom, Kelli Robertson, Jessica Sanson, **Brandon Swaffar**, Robert Tyree, Whitney Wells and Brandy White.

Also in October, club officers operated the snow cone machine at the elementary school Fall Festival.

At its Jan. 8 meeting, the group discussed a fund-raising project and activities for FBLA week held in February, and made plans for a March of Dimes fund-raising event this month.

08/10/04

Brandon Heath Swaffar, 19, of Vilonia was arrested at 1:59 p.m. Friday at the Wal-Mart Supercenter on Harkrider Street on suspicion of possession of methamphetamines with intent to manufacture and misdemeanors.

09/02/04

A Conway Police K-9 tracked a burglary suspect early Sunday morning who fled from police across a golf course in a pickup and then on foot to a nearby hiding place.

At 3:41 a.m., police received a call that a burglary was in progress on Stockton Drive. **Brandon Heath Swaffar, 20**, of Guy was driving a vehicle matching the description of the burglar's vehicle.

Swaffar was not arrested in connection with the burglary, but was arrested on suspicion of driving under the influence after fleeing in his pickup and on foot from officers. He was also cited for misdemeanor traffic violations.

Dustin Swaffar (Cousin)

Dustin Swaffar is the owner and operator of:

Swaffar Detail Service
1134 Main St, Vilonia, AR 72173
(501) 269-7923
<http://swaffardetail.com/>

Thursday, June 4, 1998

VHS ACADEMIC AWARDS -- Several Vilonia High School students received academic awards during the school's awards program on May 18.

Physical Education -- PE/Health, Charlie Roller and **Dustin Swaffar**; and recreation and fitness, Jason Golden.

59 make straight A's at Vilonia High

Sunday, February 7, 1999

There were 59 Vilonia High School students who made all A's during the first semester grading period.

The students, by grades:

[deleted]

Others on the honor roll:

Seniors –

[deleted]

Juniors –

[deleted]

Joe Riggs, Marcelo Rosa, Nick Sanders, Andy Shamblyn, Ben Stone, Angela Sturtz, Joey Styles, **Dustin Swaffar**, Michael Thilo, Amy Treat, Jake Vaughan, Katie Whittedge, Steven Woods and Karly Wyzgoski.

Sophomores –

[deleted]

Vilonia High School honor roll announced

Wednesday, June 28, 2000

The honor roll for Vilonia High School has been announced. Students making all A's were:

[deleted]

Students making A's and B's are:

Seniors: Joseph Anderson, William Arnett, John Bailey, Travers Barnard Jr., Joshua Barnes, Vanessa Boyd, Mathew Burbridge, Mandy Chapman, Mandy Chapman, Holly Derrick, Brian Edwards, Jennifer Greenwood, Stephanie Gunter, Michael Hale, Jack Hancock Jr., Kara Hartwick, Mark Heffington, Dennis Hovey, Natalie Hutchens, Jason Keeler, Justin King, Scott Lang, Stacy Liszewski, Russell Matkin, Libby Matyja, Katy McJunkins, J.C. McVay, Devon Meadows, Duane Nelson, Amy Platt, Candice Prewitt, Leah Richards, Joseph Riggs, William Roach, Adam Rogers, Rhea Rush, Haley Saddler, Joseph Schulte, Amanda Sellers, Heather Shaw, Marion Smith, Jessica Stivers, Stephen Styles, **Dustin Swaffar**, William Tyson, Jacob Vaughn, Xanadu Wilson, Steven Woods.

Juniors: [deleted]

Sophomores: [deleted]

Conway Police: Smoke and smell leads to arrest of two teens

By SAMANTHA HUSEAS

Log Cabin Staff Writer

Monday, March 26, 2001

By Samantha Huseas

Two 18-year-olds were arrested late Friday night on Robins Street following a traffic stop.

According to a Conway Police Department report, the arresting officer was on Conway Boulevard waiting on traffic before turning onto Robins. The suspects' vehicle passed and the officer pulled behind them. At that time, the officer reported, the smell of burning marijuana could be detected and smoke could be seen coming from the Ford Mustang.

The driver, Thomas Demarco, allegedly crossed the fog line twice, so the officer stopped the car. The officer was granted permission to search the car and found what was believed to be marijuana, rolling papers and beer, according to the report.

A passenger, **Dustin Swaffar**, also allegedly had marijuana in his pocket.

Demarco was arrested on suspicion of possession of a controlled substance, minor in possession of alcohol and possession of an instrument of crime.

Swaffar was arrested on suspicion of possession of a controlled substance.

Both were transported to the Police Department for processing.

Friday, June 7, 2002

Kenneth William Mosier, 20, was arrested Wednesday at a Longbow Lane residence on suspicion of felony possession of methamphetamine with intent to deliver. Jeff Paul Vandament, 26, and **Dustin Swaffar**, 19, both of Conway, were arrested at the same time and location on suspicion of felony possession of meth, maintaining a drug premises and possession of drug paraphernalia.

Sunday, June 23, 2002

Miss Cumnock, Mr. Rush pledge vows

Amanda Michelle Cumnock of Conway and James "Scott" Rush of Russellville were united in a double-ring ceremony at 1 p.m. Saturday (June 1, 2002) in the chapel of St. Joseph Catholic Church.

Parents of the couple are the late Frank L. Cumnock and Melanie A. Cumnock of Conway and James H. and Michele Rush of Russellville.

Mike Cumnock of Cave City, brother of the bride, performed the ceremony. Two fresh flower arrangements of star lilies were placed on the back altar, and a large arrangement of white wisteria was near the front altar. Four large ferns were placed on white columns, and wrought-iron pew markers with candles, globes and tulle bows adorned the pews.

Sue Sewell served as organist, along with Mary Schrekenhofer, who was also the wedding coordinator. Mara Cumnock of Cave City, niece of the bride, was candlelighter and also performed the reading during the ceremony.

Mrs. Cumnock escorted her daughter to the altar. The bride wore a white satin A-line dress with an empire waist and a tank bodice trimmed with pearls and beads. Her hair was up in a loose twist entwined with pearls. Her jewelry for the occasion included a 16-inch cultured pearl necklace and pearl earrings. She carried a bouquet of white and periwinkle Dutch irises tied with three satin ribbons.

Gela Nelson of Rose Bud served as matron of honor. She wore a two-piece, to-the-floor violet dress with spaghetti straps and an appliqué bodice. She carried a smaller version of the bride's bouquet.

Hayden and Mason Rush of Spokane, Mo., nephews of the groom, served as ringbearers. Cassidy Cisler of Phoenix, Ariz., niece of the bride, was flower girl.

Jon Rush of Spokane, Mo., brother of the groom, was best man. **Ushers were Charlie and Dustin Swaffar of Conway, nephews of the bride.**

The mother of the bride wore a long champagne gown with matching jacket, and the mother of the groom wore an ankle-length dress of blue silk. Both mothers had a white orchid.

A reception followed at the Knights of Columbus Hall. The buffet table was decorated in white with two large vases with white snapdragons. Guests were served finger sandwiches, tortilla roll-ups with salsa, spinach dip with pita chips, fruit and vegetables, a sculpted watermelon, cheese, sausage balls and crackers.

The bride's table had two five-branched silver candelabras dressed with greenery and periwinkle ribbon. She had a three-tiered white cake with cream cheese icing topped with fresh Gerber daisies on a pewter plateau. Crystal plates, a punch bowl set and long silver trays belonging to the bride's late grandmother, Hattie Hamling, completed the table.

The groom's table was covered with white linens topped with a green topper. The two-tiered chocolate cake was accented with chocolate-dipped strawberries. Both the cake and strawberries were drizzled with fudge. Arrangements of dried flowers, greenery and pheasant feathers adorned the table, along with a wrought-iron tower and candles.

The guests were served on round tables with white linens, all centered with an arrangement of fresh Gerber daisies and greenery with Bells of Ireland. Several tall candles surrounded the centerpieces.

Servers included June Thornton, Ginger Bolden, Bimmi Martin, Pam Moncrief, Marsha Mayfield, Andrea Weatherford, Barbara Morris, Debbie Cumnock and Joan Swaffar, sister-in-law of the bride, all of Conway; Gail Vigil of Santa Fe, N.M.; and Karen Wilson of Guy, sister of the bride.

After a cruise to Key West, Fla., and Cozumel, Mexico, the couple are at home in Russellville.

The parents of the groom honored Miss Cumnock and Mr. Rush, along with the rest of the wedding party and out-of-town guests at a rehearsal dinner at the Knights of Columbus Hall. Tablecloths were of the bride's chosen color, periwinkle, and each table had potted vinca. A selection of food was served.

Thursday, November 28, 2002

Theft

Dustin Swaffar of Conway reported that someone broke out the driver-side window of his 1998 Dodge Ram pickup while it was parked outside his home and took stereo speakers and an amplifier with a combined value of \$550.

01/30/04

Dustin Swaffar, 21, Conway, was arrested Sunday during a traffic stop at Second and Harkrider streets on suspicion of driving while intoxicated.

02/02/06

Dustin Swaffar, 23, of Conway was arrested at 2 p.m. Monday on suspicion of driving while intoxicated.

Arkansas Supreme Court Cases

Swaffar I

SWAFFAR v. SWAFFAR

Supreme Court of Arkansas

Docket Number available at www.versuslaw.com

Citation Number available at www.versuslaw.com

March 30, 1992

EDDIE LINN SWAFFAR, JR., AND BILLY GRACEN SWAFFAR
V.
W.C. SWAFFAR, ET AL.,

Appeal from Faulkner County Probate Court; Andre McNeil, Judge; affirmed.

J.R. Nash, for appellant.

Barber, McCaskill, Amsler, Jones & Hale, P.A., by: M. Stephen Bingham, for appellee.

SYLLABUS BY THE COURT

1. EXECUTORS & ADMINISTRATORS - STANDING TO CHALLENGE ADOPTION IN ORDER TO PROTECT DISTRIBUTEES MENTIONED IN WILL. - Where appellant claimed to be the adopted son of the decedent and therefore a pretermitted heir, the executor of decedent's estate had standing to challenge appellant's adoptive status; the executor was required to protect the decedent's distributees mentioned in his will.

2. COURTS - PROBATE COURT - LIMITED JURISDICTION. - The probate court is a court of limited jurisdiction, having only such jurisdiction and powers as are conferred by the constitution or by statute, or necessarily incident to the exercise of the jurisdiction and powers specifically granted.

3. COURTS - JURISDICTION OF ADOPTION PROCEEDINGS. - Jurisdiction of adoption proceedings is vested in the probate court by statute.

4. ADOPTION - GOVERNED ENTIRELY BY STATUTE - STRICT CONSTRICTION. - The opinion of the court was delivered by: Robert L. Brown, Justice.

The appellants, Eddie Linn Swaffar, Jr., and Billy Gracen Swaffar, appeal from an order of the probate court finding that Billy Swaffar, who was also known as Billy McKim, was not a legally

adopted son of the decedent, Eddie Linn Swaffar, Sr., and, therefore, not a pretermitted heir under the decedent's will. The issue on appeal is whether Billy Swaffar was legally adopted in 1977 under Act 369 of 1947, which was codified at that time as Ark. Stat. [309 Ark Page 75]

Ann. 56-101, et seq. (Repl. 1971). We agree with the probate court that he was not legally adopted, and we affirm.

The appellant was born on October 1, 1961, and named Billy Gracen McKim. His mother, Peggy McKim, married the decedent, Eddie Linn Swaffar, Sr., on March 23, 1964, and they lived in Faulkner County. Later, appellant Eddie Linn Swaffar, Jr., was born of this union. The marriage lasted fourteen years and was punctuated by many separations.

On March 1, 1977, the decedent and his wife, Peggy, filed a petition in Faulkner County Probate Court for the adoption of "Billy Gracen McKim, Jr.," by the decedent. On the same date, a hearing was held at which time the decedent expressed his desire to adopt "Billy McKim." The appellant was not present. The court inquired, "Do you have the consent of this young man? He's sixteen." *fn1 The decedent's attorney replied, "Eddie is the only father he's ever known. He's agreeable." The judge then requested an order, which the decedent's attorney prepared. The interlocutory order of adoption was entered on March 8, 1977.

Before the six-month period expired, Eddie Linn Swaffar, Sr., and his wife separated, and she moved to Saline County with Billy Swaffar. On August 1, 1977, Peggy Swaffar filed a complaint for divorce in Saline County Chancery Court in which she alleged that only one minor child, Eddie Linn Swaffar, Jr., had been born of the marriage. No mention was made of Billy Swaffar in the complaint. The divorce suit culminated, after a three-year separation, in a divorce decree that awarded Peggy Swaffar forty dollars a week for the support of the minor child, Eddie Linn Swaffar, Jr. Again, no mention was made of Billy Swaffar.

On February 17, 1989, the decedent executed his will, which placed all assets of his estate in a trust for the benefit of Eddie Linn Swaffar, Jr. and Brandon Heath Swaffar, who had been fathered by the decedent and born out of wedlock. No provision was made for Billy Swaffar, who was not named in the will. W.C. Swaffar was named the executor. [309 Ark Page 76]

Eddie Linn Swaffar, Sr., died on April 8, 1989. On April 12, 1989, appellee W.C. Swaffar, the named executor, filed a petition for probate and appointment of personal representative in the Faulkner County Probate Court. When he learned that he was not mentioned in the will, appellant Billy Swaffar filed petitions to take against the will on grounds that he was pretermitted and, in addition, to contest the will due to undue influence practiced against the decedent by his brother, W.C. Swaffar.

On November 27, 1990, the probate court began a hearing on the petitions, at which time Billy Swaffar made the following statements:

No, there ain't a handful of people that know me as McKim; just legal documents or, you know, places of employment where I - you know, I thought I was supposed to use McKim. I never knew that I was legally adopted.

. . . You know, I knew that the process was goin' through when we left that last time, but, you know, nobody ever told me that it legally went through or, you know, you're legally a Swaffar or nothin' like that, or I'd used the name Swaffar, I'd'a never changed it. When I got married, my wife thought that she was marrying Billy Swaffar. . . . Guarantee it.

When asked how he explained to his wife the name "McKim" on their marriage license, the appellant responded:

Well, I just, you know, told her - I said, "You know, I've never been legally adopted, that I know of, and to make things legal, I have to change my name back to McKim."

The appellant's attorney asked him whether he had signed anything at the time of the adoption proceeding, and he replied:

Well, I don't really know what I signed. I signed a form, one day, before I went to school, on the kitchen table, and they was talking about, you know, after we get - after you sign this, then we'll go in front of the Judge, and then you will be legally Ed's son.

Acknowledging that he never questioned anyone any further about the [309 Ark Page 77]

document, the appellant explained: "No, I didn't really assume that I was adopted." Billy Swaffar also confirmed that his mother was under the impression that he had not been legally adopted by the decedent. He then engaged in this colloquy:

Q. When was the first time you ever thought about the possibility that you were legally adopted?

A. After I heard the will. I knew something had to be done, so I went to backtracking.

The appellant testified that he never had asked an attorney to change his name legally to "Swaffar." During his school years in the Conway school district before the divorce, he went by Billy Swaffar. He had two Social Security cards issued in the Swaffar name and the McKim name. The record also reveals that he was enrolled for the 1978-79 school year in the Bryant school district under the name of "Billy McKim." As part of discovery and at trial, it was further revealed that his joint checking account with his wife bears the name McKim. He entered vocational-technical school under "Billy McKim," and his GED certificate and marriage license show him as "Billy McKim." He is listed in the telephone directory as "Bill McKim," and his wife and daughter go by the name McKim.

The probate court found in its memorandum opinion dated December 14, 1990, that Billy Swaffar "did not change his birth certificate or use the name of Swaffar until after the decedent's death and it began to appear that it would be profitable to do so." The birth certificate is dated September 26, 1989. The court further found standing on the executor's part to defend against Billy Swaffar's petitions on grounds that he was not the lawfully adopted child of the decedent.

[1] The appellants first argue on appeal that the appellee, as executor, had no standing to challenge Billy Swaffar's adoption. The appellants, however, are misguided on this issue. The appellee objected to Swaffar's status as a pretermitted heir on grounds that he was not legally adopted. In doing so, the executor was operating well within his authority to contest the pretermitted status of a petitioner who did not qualify. Indeed, he was obligated to do so as the representative of those provided for in the will. See *Clifton v. Guest*, 216 Ark. 352, 226 S.W.2d 61 [309 Ark Page 78]

(1950). In short, the appellee had standing to challenge Billy Swaffar's adoptive status in his capacity as executor, which was a challenge he was required to make to protect the decedent's distributees mentioned in his will.

[2-4] The crux of this case is whether the appellant, Billy Swaffar, was legally adopted in the proceedings that took place in March 1977. This court has previously described the powers and jurisdiction of the probate courts that emanate from statutory law:

The probate court is a court of special and limited jurisdiction, having only such jurisdiction and powers [as] are conferred by the constitution or by statute, or necessarily incident to the exercise of the jurisdiction and powers specifically granted. *Hilburn v. First State Bank*, 259 Ark. 569, 535 S.W.2d 810. There is no mention of adoption, child custody or visitation rights in the Arkansas

Constitution. Jurisdiction of adoption proceedings has been vested in the probate court by statute. Adoption proceedings were unknown to the common law, so they are governed entirely by statute.

Poe v. Case, 263 Ark. 488, 490, 565 S.W.2d 612, 613 (1978). Because they are in derogation of common law, adoption statutes are strictly construed and applied. *Norris v. Dunn*, 184 Ark. 511, 43 S.W.2d 77 (1931); *Roberts v. Swim*, 268 Ark. 917, 597 S.W.2d 840 (Ark. App. 1980).

The parties agreed at oral argument that the governing statute in effect when the order for temporary adoption was entered was section 8 of Act 369 of 1947, then codified as Ark. Stat. Ann. 56-107 (Repl. 1971). Section 8 read at that time as follows:

In no case need a child be named as a defendant, nor a guardian ad litem appointed to defend him; but if such child is fourteen [14] years old or more when the petition is filed, the adoption shall not be made without his verified consent in writing. The consent of children less than fourteen [14] years of age shall not be necessary.

[5] Billy Swaffar was fifteen at the time of the petition and his [309 Ark Page 79]

verified consent in writing was required under Act 369. There is no proof of record that this consent was ever given. Certainly, it was not filed with the petition. And no reference was made to a "verified consent" by the fifteen year old to be adopted in the probate court's interlocutory order. All that suggests even the remote possibility of such a document is the appellant's testimony that one day he signed some form he could not identify at the kitchen table before he went to school. That hardly qualifies as a verified consent of record.

The probate court found in its Memorandum Opinion that the file did not contain a written consent from the appellant and that the adoption statutes must be strictly construed. *fn2 Though the appellants urge that section 9 of Act 369 of 1947, then codified as Ark. Stat. Ann. 56-108(b) (Repl. 1971), permits the probate court to dispense with consent, that section only specifies that the court may dispense with consent "as provided in sections 8 and 9." Section 8 authorizes it only when the child is less than age fourteen.

[6, 7] The issue then becomes what was the effect of Billy Swaffar's failure to consent. We have held that the jurisdiction of the probate court to order an adoption depends on strict statutory compliance, including the consent of the persons legally authorized to represent the minor. *Norris v. Dunn*, supra. Failure to comply strictly with the Adoption Code denies the probate court jurisdiction. *Id*; see also, *Minetree v. Minetree*, 181 Ark. 111, 26 S.W.2d 101 (1930); *Morris v. Dooley*, 59 Ark. 483, 28 S.W. 30, 430 (1894); *Roberts v. Swim*, 268 Ark. 917, 597 S.W.2d 840 (Ark. App 1980). We have further held that unless all jurisdictional requirements appear in the record, the resulting decree will be void upon collateral attack. *Hughes v. Cain*, 210 Ark. 476, 196 S.W.2d 758 (1946).

The absence of Billy Swaffar's consent is not a mere technicality but rather it goes to the heart of the adoption process in that public policy clearly favors the consent of the [309 Ark Page 80]

person to be adopted. Surely, Billy Swaffar at age fifteen had a legitimate say in whether he wished to be adopted by the decedent. Yet, his consent in writing was not obtained. Nor was he present at the hearing on the adoption petition on March 1, 1977, to voice his opinion. And no mention was made of his consent in the interlocutory order. Can the probate court decide his fate under such circumstances? We do not think so.

[8] We are aware of the argument that any decree of a probate court regarding adoptions should be presumed valid and in compliance with all statutory requirements. The most impassioned advocate of this position was Justice Frank Smith in his dissent in *Minetree v. Minetree*, supra. But, again, the consent of the one to be adopted, as required by statute, must not be presumed.

There is no reference in the order to Billy Swaffar's consent, and no written evidence of record that it was obtained. Because of this, jurisdiction in the probate court was lacking, and the adoption order was void.

Affirmed.

Opinion Footnotes

*fn1 Actually, Billy McKim was fifteen years old at the time.

*fn2 The probate court erroneously found that Act 735 of 1977, now codified as Ark. Code Ann. 9-9-206(5) (1987), was controlling. Act 735, however, was not enacted until sixteen days after the order for temporary adoption was entered. The parties agree that Act 369 of 1947 controls the consent question.

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Swaffar II

Eddie Linn SWAFFAR Jr. v. W.C. SWAFFAR,
Executor

96-751 _____ S.W.2d _____

Supreme Court of Arkansas
Opinion delivered February 10, 1997

1. Estates -- distribution -- supreme court would not apply Ark. Code Ann. 28-52-106 to bar appellant's objections to certificates of deposit. -- Where the record did not confirm that a document, which listed two certificates of deposit as items not included in the decedent's estate, was ever filed, the supreme court was left only with appellee's testimony that the document listing the certificates of deposit was indeed filed at some point during the probate proceedings; under such facts and circumstances, the appellate court would not apply Ark. Code Ann. 28-52-106 to bar appellant's objections. Second, Appellee contends that our review is barred because Appellant has not produced a record on appeal that demonstrates error. We agree that the record is insufficient for our review, but, for the reasons discussed below, we do not agree that on these particular facts and issues the insufficiency is Appellant's fault.
2. Appeal & error -- record insufficient for review -- not appellant's fault. -- Although the record was insufficient for review, the supreme court concluded that, on the particular facts and issues involved, the insufficiency was not appellant's fault.
3. Gifts -- inter vivos -- burden of proof. -- Whoever claims that an inter vivos gift was made must prove it, regardless of who initiated the inquiry.
4. Gifts -- inter vivos -- elements of. -- The elements of an inter vivos gift, which must be proven by clear and convincing evidence, are that the donor be of sound mind, have the clear intent to make a gift beyond recall, have actually delivered the subject matter of the gift to the donee or the donee's agent, and at the same time have released all future dominion and control over the property delivered.
5. Gifts -- inter vivos -- appellee's burden to prove that certificate of deposit was gift to him -- matter reversed and remanded for further consideration. -- The supreme court held that it was appellee's burden to prove by clear and convincing evidence that the certificate of deposit bearing his name was a gift to him; to the extent that it shifted the burden of proof to appellant to

prove the negative proposition that the certificate of deposit was not a gift, the probate court erred; the matter was reversed and remanded for further consideration under the appropriate standard of proof.

6. Estates -- probate court's application of erroneous standard of proof precluded review of ownership issue -- matter remanded for development of facts of ownership. -- Where the probate judge's application of an erroneous standard of proof precluded any meaningful review of appellant's argument that the evidence was insufficient to establish that either of two certificates of deposit were subject to the ownership of anyone other than the decedent, the supreme court remanded the matter for further development regarding the facts of ownership of the certificates of deposit.
7. Estates -- appellant's failure to file objections to orders barred review of shop-rent issue. -- The supreme court held that appellant's failure to comply with Ark. Code Ann. 28-1-116(d) (1987) by filing written objections to orders concerning unpaid rent on the decedent's welding shop barred review of the issue.
8. Attorney's fees -- supreme court affirmed probate judge's exercise of discretion in allowing. -- Where appellant did not file written objections to orders approving attorney's fees for a law firm, he could not appeal them pursuant to Ark. Code Ann. 28-1-116(d); in the absence of any proof that other fees were unreasonable or in violation of the relevant statute, the supreme court affirmed the probate judge's exercise of discretion in allowing the fees.
9. Set-off -- probate courts cannot award fees for services rendered to individual beneficiaries -- probate court's denial of set-off claim affirmed. -- Probate courts do not have jurisdiction to award fees for services rendered to individual beneficiaries; the supreme court therefore affirmed the probate court's denial of appellant's claim for set-off against any claims due him from the estate for his attorney's fees incurred during the six-year-long history of the estate.

Appeal from Faulkner Probate Court; Andre McNeil, Chancellor; affirmed in part; reversed and remanded in part.

J.R. Nash, for appellant.

Barber, McCaskill, Jones & Hale, P.A., by: Richard C. Kalkbrenner and Derek J. Edwards, for appellee.

Donald L. Corbin, Justice.

Appellant, Eddie Linn Swaffar Jr., appeals the order of the Faulkner County Probate Court approving the final accounting and denying his claim for set-off in the administration of the estate of his father, Eddie Linn Swaffar Sr. Appellee, W.C. Swaffar, is Appellant's uncle and executor of the estate. Our jurisdiction is pursuant to Ark. Sup. Ct. R. 1-2(a)(16) (as amended by per curiam July 15, 1996), as this case requires construction of a will. Appellant raises four points for reversal. We find merit to the

first point and reverse and remand in part and affirm in part.

Facts and Procedural History

The decedent, Eddie Linn Swaffar Sr., died testate on April 8, 1989, of cancer after having survived severe burns he incurred in an accident at his welding shop in Conway, Arkansas. The decedent's will named as executor Appellee W.C. Swaffar, the decedent's brother, and placed all property of the estate into a trust for the benefit of the decedent's two sons, Appellant and a minor named Brandon Heath Swaffar. The will provided that the elder son be the guardian of the minor son and that each son would receive an equal share of the trust as follows: Upon reaching age 30, each would receive one-fourth of the trust; at age 35, another one-fourth; and at age 40, the remaining half of the trust. The will also provided that Appellant had the right to live in the decedent's home and "shall maintain said home in good repair and pay rent for the home and shop at \$1,200.00 per month payable to the Trust."

This case is marked by much conflict between Appellant and Appellee. The conflict existed almost from the very beginning when Appellee sought to have his brother's will admitted to probate on April 12, 1989. No action was taken thereafter until September 11, 1989, when Appellant filed a petition to contest the will, to remove Appellee as executor, and to demand an inventory. The conflict continued through the next six years, and there was much activity in the case. To recite all the activity would unduly lengthen this opinion. We do, however, mention some of these actions as they become relevant to our discussion of the merits of this appeal.

In July 1995, Appellee filed a final accounting accompanied by a petition for approval of the final accounting, final distribution, and for discharge as personal representative. Appellant filed objections to the final accounting and asserted a claim of set-off against any alleged debts against the estate. After a hearing on January 5, 1996, the probate court entered an order denying Appellant's objections and claim for set-off and approving the final accounting. This appeal is from that order.

Certificates of Deposit

Appellant's first point for reversal concerns two certificates of deposit that Appellee listed on a document as items not included in the estate. Appellee admitted that his attorneys helped him prepare this document and that it was filed at some point in the probate proceedings. This document was admitted as Appellant's Exhibit One during the hearing on Appellant's objections to the final accounting and lists one certificate of deposit at First National Bank payable to W.C. Swaffar in the amount of \$54,986.40. The document lists the other certificate of deposit as being at First State Bank, payable to Brandon Swaffar or W.C. Swaffar in the amount of \$40,180.84. The record does not disclose how or when these certificates of deposit were purchased, although Appellant alleges that they were purchased by Appellee with cash he obtained from the decedent. Of some significance to Appellant is the fact that this document also lists a life insurance policy in the amount of \$10,000.00 with Brandon as beneficiary. Also of significance to Appellant is Appellee's testimony that the certificate of deposit in Appellee's name was also in the name "Eddie Lynn Swaffar," but failed to distinguish between the junior Swaffar or the senior

Swaffar. Appellant argues these two facts are evidence that the decedent intended to make equal cash gifts to his two sons somewhere in the range of \$50,000.00 each.

Appellant objected to the final accounting on the basis that it did not include these two certificates of deposit as property of the estate. Appellee testified at the January 1996 hearing that the certificates of deposit were held jointly with rights of survivorship in the names of the decedent and himself and Brandon and himself, respectively. As previously mentioned, Appellee admitted that the certificate of deposit bearing his name and the decedent's did not identify "Eddie Linn Swaffar" as either the junior or the senior Swaffar. On the basis of this testimony and other evidence indicating that the decedent was a successful businessman, the probate court ruled that the decedent purchased the certificates of deposit intentionally the way he did and that he would not substitute his judgment for the decedent's. The probate court said, "If he [the decedent] knew that a part of it was going to Brandon, and a part of it was going to his brother, that was his choice. And absent any proof to the contrary why it should not be, I'm leaving it there." (Emphasis supplied.)

On appeal, Appellant contends the probate court's ruling is contrary to the law and evidence presented. Appellant's argument in support of this contention is twofold. First, he argues that it was Appellee's burden to prove that the certificate of deposit bearing Appellee's name was a gift from the decedent to Appellee. In support of this argument, Appellant relies on *McDermott v. McAdams*, 268 Ark. 1031, 598 S.W.2d 427 (Ark. App. 1980). Second, Appellant argues that the proof presented by Appellee did not establish that either certificate of deposit was a joint tenancy and therefore subject to ownership by anyone other than the decedent. In support of this argument, Appellant relies on *Jones v. Robinson*, 297 Ark. 580, 764 S.W.2d 610 (1989).

Appellee responds that Appellant's argument is barred because it was not timely raised below and because the record on appeal does not demonstrate error. First, Appellee contends that Appellant is barred from raising this issue now according to Ark. Code Ann. 28-52-106 (1987) because he did not file an objection to the certificates of deposit until the final accounting. Appellee implies strongly that the document was filed as part of the initial accounting, and, therefore, Appellant would have had to file an objection within sixty days pursuant to section 28-52-106. The record, however, does not confirm that the document was filed as part of or along with the initial account. Likewise, the record does not confirm that the document was filed with the initial inventory or with any of the annual accountings. In short, the record does not disclose that the document was ever filed. Thus, we are left only with Appellee's testimony that the document listing the certificates of deposit was indeed filed at some point during the probate proceedings. Under such facts and circumstances, we will not apply section 28-52-106 to bar Appellant's objections. Second, Appellee contends that our review is barred because Appellant has not produced a record on appeal that demonstrates error. We agree that the record is insufficient for our review, but, for the reasons discussed below, we do not agree that on these particular facts and issues the insufficiency is Appellant's fault.

We agree with Appellant's assertion that the probate judge's ruling was contrary to the law. The issue in McDermott was who bore the burden of proof in probate proceedings when a beneficiary claimed title to property as a gift that the executor claimed belonged to the estate. The McDermott court looked to the general law of inter vivos gifts and concluded that "the common thread seems to be that whoever claims the gift was made must prove it, regardless who initiated the inquiry." McDermott, 268 Ark. at 1040, 598 S.W.2d at 432. In so concluding, the McDermott court relied on Bennett v. Miles, 212 Ark. 273, 205 S.W.2d 451 (1947), which has facts remarkably similar to the facts of this case and which held that an executor who did not list a certain bank account as part of the estate bore the burden of proving that it had been a gift from the decedent. Like the McDermott court, the Bennett court looked to the general law on inter vivos gifts, which requires that the elements of an inter vivos gift be proven by clear and convincing evidence. The elements of an inter vivos gift are that the donor be of sound mind, have the clear intent to make a gift beyond recall, have actually delivered the subject matter of the gift to the donee or the donee's agent, and at the same time have released all future dominion and control over the property delivered. Bennett, 212 Ark. 273, 205 S.W.2d 451; Baugh v. Howze, 211 Ark. 222, 199 S.W.2d 940 (1947).

Consistent with McDermott and Bennett, we agree with Appellant that it was Appellee's burden to prove by clear and convincing evidence that the certificate of deposit bearing his name was a gift to him. McDermott, 268 Ark. 1031, 598 S.W.2d 427. The probate judge stated that he was ruling for Appellee "absent any proof to the contrary[.]" To the extent that the probate court shifted the burden of proof on this issue to Appellant to prove the negative proposition that the certificate of deposit was not a gift, the probate court erred. See McDermott, 268 Ark. at 1040, 598 S.W.2d at 432. We must, therefore, reverse and remand this case for further consideration under the appropriate standard of proof.

On remand, we note that the burden of proof on the question of whether the decedent meant to make a gift to his son Eddie Linn Swaffar Jr. is on Appellant. Likewise, the burden of proof on the question of whether the decedent made a gift to Appellee or Brandon lies with Appellee and Brandon respectively.

The probate judge's application of an erroneous standard of proof precludes any meaningful review of Appellant's remaining argument that the evidence is insufficient to establish that either of the two certificates of deposit were subject to the ownership of anyone other than the decedent pursuant to Jones, 297 Ark. 580, 764 S.W.2d 610. Jones held that the "designated in writing" requirement of Ark. Stat Ann. 67-552 (Repl. 1980) be complied with substantially. Section 67-552, which governs titles to accounts and certificates of deposits held in two or more names, was amended significantly in 1983 and is currently codified as Ark. Code Ann. 23-52-1005 (1987). As there was no evidence of when these particular certificates of deposit were issued, we cannot determine which version of the statute applies to the facts of this case. Moreover, as neither the certificates of deposit nor any other writing or bank record was admitted into evidence, the record lacks sufficient evidence for the probate judge to have determined

who had title to these two certificates of deposit. Because we think the lack of evidence is due to the effect of the probate court's application of an erroneous standard of proof, we remand for further development as to the facts of ownership of these certificates of deposit.

Appellant also assigns as error the probate judge's decision on unpaid rent to the estate, executor's fees, attorneys' fees, and Appellant's claim for set-off. We affirm these rulings for the following reasons.

Unpaid Rent on Shop

Appellant's second point for reversal concerns the \$80,836.40 in accrued and unpaid rent on the decedent's welding shop that was charged against Appellant in the final accounting. Appellant's failure to comply with Ark. Code Ann. 28-1-116(d) (1987) and file written objections to the 1991 and 1993 orders concerning the rent on the shop bars our review of this issue.

Executor's and Attorney's Fees

As his third point for reversal, Appellant contends that the trial court erred in approving the \$69,884.45 in fees requested by Appellee as executor and by his attorneys, Phil Stratton, who originally represented Appellee but sought retirement during the case, and the firm of Barber, McCaskill, Jones & Hale, which the probate court allowed to be substituted as counsel for Appellee.

All fees paid to the Barber Firm were requested by petition and approved by order of the probate court. Appellant did not file written objections to these orders. Therefore, he cannot now appeal them pursuant to section 28-1-116(d). As for the other fees paid to Mr. Stratton and Appellee, Appellant offers no evidence that the fees are unreasonable or contrary to the amounts allowed by statute, Ark. Code Ann. 28-48-108 (1987). In the absence of any proof that the fees are unreasonable or in violation of the statute, we affirm the probate judge's exercise of discretion in allowing these fees. See *Morris v. Cullipher*, 306 Ark. 646, 816 S.W.2d 878 (1991).

Set-off

Appellant filed a claim for set-off against any claims due him from the estate for his attorney's fees incurred in the six-year-long history of this estate. Appellant's claim for set-off is based primarily upon his efforts in Pulaski County Circuit Court to obtain the return to the estate of the land valued at \$361,500.00. Probate courts do not have jurisdiction to award fees for services rendered to individual beneficiaries. *Paget v. Brogan*, 67 Ark. 522, 55 S.W. 938 (1900). We therefore affirm the probate court's denial of Appellant's claim for set-off.

For the reasons aforementioned, the part of the probate court's order denying Appellant's request to include the two certificates of deposit in the estate is reversed, and the case is remanded for further development of this issue. All remaining parts of the probate court's order are affirmed.

Swaffar III

336 Ark. 235 NASH v. ESTATE OF SWAFFAR

Citation: 336 Ark. 235

Neutral citation: 1999 AR 24 0 votes

Legal status: Opinion 17 visits

Jurisdiction: Arkansas Supreme Court

Decision date: Thursday, 28 January 1999

Tags related to the opinion: no Tags

Citation: list of in going and out going citations to the present case

Citator: list of judicial treatments of the present case

Page 1, 98-428, 1

J.R. NASH v . ESTATE OF Eddie Linn SWAFFAR

98-428 ___ S.W.2d ___

Supreme Court of Arkansas

Opinion delivered January 28, 1999

1. Appeal & error -- unsupported assignments of error not considered. --Assignments of error that are unsupported by convincing argument or authority will not be considered on appeal where it is not apparent without further research that the argument is well-taken.

2. Attorney & client -- intervention of former attorney to challenge client's position -- supreme court not presented with authority for argument. --The supreme court was not presented with any authority for the proposition that an attorney's lien should attach to two certificates of deposit if they were inter vivos gifts passing outside appellee estate; neither was the court presented with any citation of authority for the argument that having an interest in the outcome of a former client's cause of action should allow the intervention of the former attorney for the purpose of challenging the client's position regarding the cause of action.

3. Attorney & client -- professional conduct -- trial court did not err in refusing to allow appellant-attorney to participate in hearing on ownership of certificates of deposit. -- The Model Rules of Professional Conduct prohibit an attorney from representing a client where the attorney has been discharged [Model Rule 1.16(a)(3)];likewise, as the probate court allowed appellant-attorney to proceed pro se at a hearing to examine a former client for the purpose of establishing an attorney's lien on he assets of appellee estate, appellant in essence became his own client, advocating his own position; to allow him to assert a position contrary to that of his former client would have been violative of Model Rule 1.7, which states that a lawyer shall not represent a client if the representation of that client will be directly adverse to another client; considering the rules of professional conduct, and in the absence of any authority to the contrary, the supreme

court concluded that the trial court did not commit error in finding that appellant could not participate in the hearing on the merits of ownership of the certificates of deposit.

4. Property -- standing -- appellant had none to appeal denial of participation on merits of ownership of certificates of deposit. -- A party has no standing to raise an issue regarding property in which he has no interest; where appellant could not participate on the merits of ownership of the certificates of deposit, he also lacked standing to appeal the issue.

5. Appeal & error -- law of case -- doctrine discussed. -- The doctrine of law of the case prevents an issue raised in a prior appeal from being raised in a subsequent appeal unless there is a material variance in the evidence before the court in each appeal; the application of the doctrine is not limited to issues raised in prior appeals, as it was developed to maintain consistency and avoid reconsideration of matters once decided during the course of a continuing single lawsuit; whatever was before the supreme court and was disposed of is considered as finally settled; the inferior court is bound by the judgment or decree as the law of the case and must carry it into execution according to the mandate; the inferior court cannot vary it for any other purpose than execution; it can give no other or further relief as to any matter decided by the supreme court, even where an error is apparent, or in any manner intermeddle with it further to execute the mandate, and settle such matters as have been remanded, not adjudicated, by the supreme court.

6. ..²

_d

²..Appeal & error -- law of case -- appellant bound by -- probate court affirmed. -- By intervening in the remand of the previous appeal in the matter, appellant was bound by the application of the law-of-the-case doctrine, and the probate court was without authority to disturb the final accounting reflecting a zero balance in the estate for any purpose other than to add two certificates of deposit, had the court found they should be included; without the addition of the certificates of deposit, the final accounting continued to reflect a zero balance, and the trial court did not commit error in determining that imposing an attorney's lien upon a zero balance would have been meaningless and inappropriate; the supreme court, finding no reversible error in the actions of the probate court, affirmed.

Appeal from Faulkner Probate Court; Charles E. Clawson , Judge; affirmed.

J.R. Nash , appellant.

Barber, McCaskill, Jones & Hale, P.A. , by: Scott M. Strauss , Richard C. Kalkbrenner , and John S. Cherry ; and Phil Stratton , for appellee.

Ray Thornton, Justice.

Appellant, J. R. Nash, seeks to establish a lien for attorney's fees on the assets of appellee, the Estate of Eddie Linn Swaffar. Eddie Linn Swaffar, Sr., died on April 8, 1989, and his will was filed for probate on April 12, 1989. The probate court denied the relief sought, and this appeal ensues. We find no reversible error and affirm.

Background of Previous Litigation

This is the third appeal we have considered relating to this estate. The first appeal involved the issue whether a possibly pretermitted son, Billy, had ever been adopted by the decedent. *Swaffar v. Swaffar* , 309 Ark. 73, 827 S.W.2d 140 (1992). The disposition of this issue is not significant to the issues now before us.

The second appeal in this matter, *Swaffar v. Swaffar*, 327 Ark. 239, 938 S.W.2d 552 (1997) (*Swaffar II*) Footnote 11, followed a vigorously contested proceeding in the Probate Court of Faulkner County. In describing the matters before us in *Swaffar II*, we summarized the relevant elements of the proceedings in the probate court as follows:

In July 1995, Appellee filed a final accounting accompanied by a petition for approval of the final accounting, final distribution, and for discharge as personal representative. Appellant filed objections to the final accounting and asserted a claim of set-off against any alleged debts against the estate. After a hearing on January 5, 1996, the probate court entered an order denying Appellant's objections and claim for set-off and approving the final accounting. This appeal is from that order.

Swaffar II at 327 Ark. 238, 938 S.W.2d 553.

We considered and rejected several arguments that the final accounting showing a zero balance in the estate was in error. However, we determined that there was not sufficient evidence to support the trial court's exclusion of two certificates of deposit from the assets of the estate as *inter vivos* gifts, and reversed and remanded the matter for the limited purpose of determining whether the two certificates of deposit had been properly excluded. Our decision affirmed the final accounting of the Estate of Eddie Linn Swaffar, Sr., except for a determination whether the certificates of deposits should have been included in the estate. *Swaffar II* at 327 Ark. 243, 938 S.W.2d 556.

The Current Litigation

Eddie Swaffar, Jr., and Mr. Nash entered into an employment agreement on September 5, 1989, for Mr. Nash to represent Eddie Swaffar, Jr., on a contingent-fee basis of one-third of any recovery, together with court costs and expenses. The agreement stated that neither party would settle any claim arising out of the matter without first obtaining the consent of the other. Pursuant to this agreement, Mr. Nash worked as attorney for Eddie Swaffar, Jr., through more than eight years of litigation, including the appeal in *Swaffar II*. On April 24, 1995, Mr. Nash filed notice of his attorney's lien on any and all interests and benefits received and to be received by Eddie Linn Swaffar, Jr., from the estate of Eddie Linn Swaffar, Sr.

On July 21, 1997, after the decision in *Swaffar II* and before the probate court responded to our mandate, Eddie Swaffar, Jr., discharged Mr. Nash as his attorney in this matter. Mr. Nash continued to file pleadings as "attorney of record" on behalf of Eddie Swaffar, Jr., through July 28, 1997, and on August 14, 1997, filed a petition as attorney of record seeking to enforce his attorney's lien on assets of the estate. On August 27, 1997, Mr. Nash moved to intervene in the remand of *Swaffar II* in order to protect his interest in any assets recovered by the estate as a result of his representation of Eddie Swaffar, Jr.

At a hearing on September 12, 1997, the probate court allowed Mr. Nash to intervene and examine Eddie Swaffar, Jr., for the purpose of establishing an attorney's lien on the assets of the estate, but did not allow Mr. Nash to participate in the issue of the ownership of the two certificates of deposit.

In its order dated December 17, 1997, the probate court found that *inter vivos* gifts had been made of the certificates of deposit. Based upon its finding that the certificates of deposit were not assets of the estate, the trial court noted that the final accounting of the estate showed a zero balance, and found that imposing a lien on the zero balance in the final accounting of the estate would be meaningless and inappropriate.

Mr. Nash appeals the decision of the probate court, contending that court committed three errors. We will consider each of these allegations of error in the order they are presented.

As his first point on appeal, Mr. Nash argues that the trial court erred in ruling that he could not participate in the hearing on the ownership of the certificates of deposit, and contends that the possibility of gaining an attorney's lien on the certificates of deposit if they became part of the estate raised in him a right to intervene on the merits of that issue. Mr. Nash offers no citation of authority for this contention. We have often stated that assignments of error that are unsupported by convincing argument or authority will not be considered on appeal where it is not apparent without further research that the argument is well-taken. *Morrison v. Jennings*, 328 Ark. 278, 943 S.W.2d 559 (1998). The case of *Henry, Walden & Davis v. Goodman*, 294 Ark. 25, 741 S.W.2d 233 (1987), advanced by Mr. Nash in support of his argument, relates to litigation brought by the attorneys against a former client and is not applicable to this case. As we have noted, this is a proceeding in probate court pursuant to our remand for a determination of the ownership of two certificates of deposit, and not a trial of the issues which may exist between Eddie Swaffar, Jr., and his former attorney. In this proceeding, Mr. Nash has not filed an action against his former client, but rather he has attempted to establish a lien on whatever assets may remain in the estate of his former client's father.

The attorney's lien provisions of Ark. Code Ann. § 16-22-304 make it clear that the lien attaches to any judgment or final order in his client's favor. The statute provides that:

... [T]he attorney at law, solicitor, or counselor serving the notice upon the adversary party shall have a lien upon his client's cause of action, claim, or counterclaim, which attaches to any settlement, verdict, report, decision, judgment, or final order in his client's favor, and the proceeds thereof in whosoever's hands they may come.

Ark. Code Ann. §16-22-304(a)(1)(Repl. 1994).

Pursuant to that statutory provision, in the event the certificates of deposit were found on remand to be included in the assets of the estate, it appears that a lien would have attached. However, we have not been presented with any authority that the lien should attach to the certificates if they were inter vivos gifts passing outside the estate, and we know of no such authority. Neither have we been presented with any citation of authority for the argument that having an interest in the outcome of a former client's cause of action should allow the intervention of the former attorney for the purpose of challenging the client's position regarding the cause of action. See *Dixon v. State*, 260 Ark. 857, 862, 545 S.W.2d 606, 609 (1977).

Such a challenge of his client's position also raises significant questions relating to a conflict of interest, as reflected by Mr. Nash's examination of his former client, Eddie Swaffar, Jr., concerning the relinquishment of his claim to the certificates:

Mr. Nash: Have you [Eddie Swaffar, Jr.] received any benefits from your uncle [the executor of the estate] for waiving your claim to the CD's?

Eddie Swaffar, Jr.: No.

Mr. Nash: You just decided to do that on your own?

Eddie Swaffar, Jr.: Yep.

Mr. Nash: Just decided to give up your claim to a fifty thousand dollar (\$50,000.) CD plus eight years of interest?

Eddie Swaffar, Jr.: My name's not on it.

Mr. Nash: Well, you fought to get it for eight years, but here just recently in the past, what? Month? You decided to give up your claim to it?

Eddie Swaffar, Jr.: I believe you might have fought for eight years about it. I -- my name's not on there. It's not mine. So I am happy with that. If my name was on it, I'm sure they would hand it to me or put it in the estate.

The Court: Mr. Nash, you have your answer.

This examination of his former client by Mr. Nash illuminates the conflict which would be presented by allowing the dismissed attorney to participate in a proceeding where his personal position differed from the position of his former client.

The Model Rules of Professional Conduct prohibit an attorney from representing a client where the attorney has been discharged. Model Rules of Professional Conduct Rule 1.16(a)(3). Likewise, as the probate court was allowing Mr. Nash to proceed pro se at the hearing, Mr. Nash in essence became his own client, advocating his own position. To allow Mr. Nash to assert a position contrary to that Eddie Swaffar, Jr., would have been violative of Model Rule 1.7, which states that a lawyer shall not represent a client if the representation of that client will be directly adverse to another client. Model Rules of Professional Conduct Rule 1.7(a). Considering our rules of professional conduct, and in the absence of any authority to the contrary, we conclude that the trial court did not commit error in finding that Mr. Nash could not participate in the hearing on the merits of ownership of the certificates of deposit.

For his second point of appeal, Mr. Nash argues that the trial court erred in holding that there was clear and convincing evidence that the certificates of deposit are inter vivos gifts to W. C. Swaffar and to Brandon Swaffar, the brother and youngest son of the decedent. We note that the estate presented testimony from Ms. Terry Clifton, the employee of the bank that issued the certificate of deposit at the request of the decedent. Ms. Clifton testified that Mr. Swaffar, Sr., had been badly burned and expressed a desire to purchase a certificate of deposit providing for a joint tenancy with right of survivorship for the benefit of W. C. Swaffar. W. C. Swaffar testified to the same effect and that a certificate of deposit was also purchased for the benefit of Brandon Swaffar. On the basis of this and other evidence, the trial court concluded that the certificates of deposit had been inter vivos gifts which were not to be included in the estate. However, we do not reach this issue on appeal. For reasons already stated, we have determined that the trial court did not commit error in excluding Mr. Nash from participating in the resolution of the ownership of the certificates of deposit. A party has no standing to raise an issue regarding property in which he has no interest. *McCollum v. McCollum*, 328 Ark. 607, 612, 946 S.W.2d 181, 184 (1997) (citing *Boyle v. A.W.A., Inc.*, 319 Ark. 390, 892 S.W.2d 242 (1995)). Because Mr. Nash could not participate on the merits of ownership of the certificates of deposit, he also lacks standing to appeal this issue.

For his third and final argument on appeal, Mr. Nash contends that the trial court erred in holding that all estate assets had been distributed, the estate closed, and that, therefore, appellant's attorney's lien was a moot issue. It is clear that an attorney's lien which has attached to the proceeds of litigation follows the property when it is conveyed to others. Ark. Code Ann. § 16-22-304(a) (Repl. 1994). However, in the case before us, Mr. Nash failed to establish his attorney's lien in Swaffar II.

Our disposition of Swaffar II, in approving the final accounting showing a zero balance in the estate, and denying the off-set for appellant's expenses, was a remand for the limited purpose of considering whether the certificates of deposit were inter vivos gifts. Based upon the trial court's finding that the certificates of deposit were inter vivos gifts, and not part of the estate, the final accounting in Swaffar II showing a zero final balance in the estate was not disturbed. The doctrine of law of the case prevents an issue raised in a prior appeal from being raised in a subsequent appeal unless there is a material variance in the evidence before the court in each appeal. The application of the doctrine is not limited to issues raised in prior appeals, as it was developed to maintain consistency and avoid reconsideration of matters once decided during the course of a continuing single lawsuit. *Miller County v. Opportunities, Inc.*, 334 Ark. 88, 95, 971

S.W.2d 781, 785 (1998) (citing Fairchild v. Norris , 317 Ark. 166, 876 S.W.2d 588 (1994)). As we explained in Earney v. Sharp , 312 Ark. 9, 846 S.W.2d 649 (1993):

Whatever was before this Court, and is disposed of, is considered as finally settled. The inferior court is bound by the judgment or decree as the law of the case, and must carry it into execution according to the mandate. The inferior court cannot vary it for any other purpose than execution. It can give no other or further relief as to any matter decided by the Supreme Court, even where there is an error apparent; or in any manner intermeddle with it further to execute the mandate, and settle such matters as have been remanded, not adjudicated by the Supreme Court. [Emphasis in original.]

Earney at 312 Ark. at 10, 846 S.W.2d at 650..²

d

2..

..²

_d

2..By intervening in the remand of Swaffar II , Mr. Nash was bound by the application of the law-of-the-case doctrine, and the probate court was without authority to disturb the final accounting reflecting a zero balance in the estate for any purpose other than to add the certificates of deposit, had the court found they should be included. Without the addition of the certificates of deposit, the final accounting continued to reflect a zero balance, and the trial court did not commit error in determining that imposing an attorney's lien upon a zero balance would be meaningless and inappropriate. For the foregoing reasons, we find no reversible error in the actions of the probate court, and affirm.

Affirmed.

[Footnote 1]

1 Eddie Linn Swaffar, Jr., the appellant in Swaffar II, was represented by appellant, Mr. Nash, in this case. The Estate of Eddie Linn Swaffar [Sr.] is the appellee in both appeals.

Eddie Linn Swaffar, Jr. Criminal Record (may be incomplete)

Nationwide criminal search

Name: SWAFFAR, EDDIE
Sex: MALE
Race: WHITE
Date of Birth: 12/11/1964
Offense: 1 DRUGS AND FIREARMS, SIMULTANEOUS POS
OF
Offense State: AR
Offense Code: 574106FY
Case Number: 315
Arrest Date: 04/23/1995
Original Plea: GUILTY
Disposition Date: 01/16/1996
Verdict Finding: CONVICTED

Name: SWAFFAR, EDDIE
Offense: 1 UNSPECIFIED
Offense State: AR
Offense Code: 9920UU
Case Number: 315
Original Plea: GUILTY
Disposition Date: 06/29/2000
Verdict Finding: CONVICTED

Name: SWAFFAR, EDDIE
Sex: MALE
Race: WHITE
Date of Birth: 12/11/1964
Offense: 1 PROBATION REVOCATION
Offense State: AR
Offense Code: 991PU
Case Number: 315
Original Plea: GUILTY
Disposition Date: 07/27/2001
Verdict Finding: CONVICTED

2155 Apache Trail

Sentence: 1

Name: SWAFFAR, EDDIE
Sex: MALE
Race: WHITE
Date of Birth: 12/11/1964
Offense: 1 POST-CONVICTION REMEDY
Offense State: AR
Offense Code: 992RU
Case Number: 315
Disposition Date: 04/15/2002

Name: SWAFFAR, EDDIE
Sex: MALE
Race: WHITE
Date of Birth: 12/11/1964
Offense: 1 MANU,ETC CONTRL SUB SCH IV,V < 200
GMS
Offense State: AR
Offense Code: 5644011FC
Case Number: 316
Arrest Date: 04/23/1995
Original Plea: GUILTY
Disposition Date: 01/16/1996
Verdict Finding: CONVICTED
Offense: 2 DRVNG W SUSPEND/REVOKED LICENSE(ACT
549)
Offense State: AR
Offense Code: 565105MU
Case Number: 316
Arrest Date: 04/23/1995
Original Plea: GUILTY
Disposition Date: 01/16/1996
Verdict Finding: CONVICTED
Offense: 3 UNSPECIFIED MISDEMEANOR
Offense State: AR
Offense Code: 9911MU
Case Number: 316
Arrest Date: 04/23/1995
Original Plea: GUILTY
Disposition Date: 01/16/1996
Verdict Finding: CONVICTED

2155 Apache Trail

Name: SWAFFAR, EDDIE
Offense: 1 UNSPECIFIED
Offense State: AR
Offense Code: 9920UU
Case Number: 316
Original Plea: GUILTY
Disposition Date: 06/29/2000
Verdict Finding: CONVICTED

Name: SWAFFAR, EDDIE L
Sex: MALE
Race: WHITE
Date of Birth: 12/11/1964
Offense: 1 BATTERY - 1ST DEGREE
Offense State: AR
Offense Date: 09/13/2006
Offense Code: 513201FB
Case Number: 2551
Arrest Date: 09/13/2006
Original Plea: GUILTY
Disposition Date: 04/27/2007
Verdict Finding: CONVICTED

2155 Apache Trail

Name: SWAFFAR, EDDIE L
Sex: MALE
Race: WHITE
Date of Birth: 12/11/1964
Offense: 1 THEFT BY RECEIVING
Offense State: AR
Offense Date: 09/13/2006
Offense Code: 536106FB
Case Number: 2552
Arrest Date: 09/13/2006
Original Plea: GUILTY
Disposition Date: 06/15/2007
Verdict Finding: CONVICTED

Name: SWAFFAR, EDDIE
Sex: MALE
Race: WHITE
Date of Birth: 12/11/1964
Offense: 1 DEVL,POSS,MANU,ETC DRUG
PARAPHERNALIA
Offense State: AR
Offense Date: 11/15/2007
Offense Code: 564403FC
Case Number: 1997
Arrest Date: 11/15/2007
Offense: 2 POSSESSION OF FIREARM BY CERTAIN
PERSONS
Offense State: AR
Offense Date: 11/15/2007
Offense Code: 573103FD
Case Number: 1997
Arrest Date: 11/15/2007

Eddie Linn Swaffar, Jr. Background Check

Search Results

Subject Name:
SWAFFAR, EDDIE LINN JR

Report Date: 7/3/2009 10:25:00 AM
Report Number: 1713165

Name and Address Reported Information for SWAFFAR, EDDIE LINN JR

Name(s):
SWAFFAR, EDDIE LINN JR

Associated names:
SWAFFAR, EDDIE L
SWAFFAR, EDDIE LINN
SWAFTER, ED
SWOTTER, ED

Based on the criteria entered, the above names are associated aliases of your subject.

Possible Current Phone(s):

(501) 327-7422
Reported:11/15/2007

(501) 329-5156
Reported:11/15/2007

(501) 513-9774
Reported:11/15/2007

Address(es):

2155 Apache Trl, Conway, AR 72032
Reported:11/15/2007

241 RR 8, Conway, AR 72032
Reported:11/13/2000

365 German Ln, Conway, AR 72032

Reported:06/01/1998

241 PO Box, Conway, AR 72033 1

Reported:12/31/1996

Footnotes:

1. 241 PO Box, Conway, AR 72033 has been identified as a possible nonprofit building. The facility was or is registered as the United states junior chamber of commerce.

The above address(es) are associated with your subject.

Date of Birth:

12/11/1964, 44 years old

The above date is your subject's birthday.

Possible Relatives for SWAFFAR, EDDIE LINN JR

Name:

SWAFFER, PEGGY NEW

AKA(s):

SWAFFAR, PEGGY, N

SWAFFER, PEGGY, NEW

Address(es):

2155 Apache Trl, Conway, AR 72032

8761 Renee Cir, Benton, AR 72015

8761 Renee Cir, Benton, AR 72019

365 German Ln, Conway, AR 72032

407 Watkins St, Conway, AR 72034

Phone:

(501) 327-7422

Date of Birth:

11/18/1941

Reported:

02/01/2002

Name:

SWAFFAR, MELISSA LEANN

AKA(s):

MCGHEE, MELISSA,

SWAFFAR, MELISSA, LEANN

SWAFFER, MELISSA, L

2155 Apache Trail

Address(es):

2155 Apache Trl, Conway, AR 72032

365 German Ln, Conway, AR 72032

529 Main, Benton, AR 72015

529 Main St, Benton, AR 72015

26 Jerry St, Conway, AR 72032

57 Middle Rd, Conway, AR 72032

Phone:

(501) 329-5156

Date of Birth:

02/02/1970

Reported:

11/15/2007

Possible Associates of SWAFFAR, EDDIE LINN JR

No Information on File

Details for 2155 Apache Trl, Conway AR 72032

Listed Phone Numbers for 2155 Apache Trl, Conway AR 72032

Name:

MCKIM, SHAWNA RENNE

Phone:

(501) 514-9774 As Of 08/20/2008

Name:

FORBES, LAURA

Phone:

(501) 336-0968 As Of 07/01/2004

Property Ownership for 2155 Apache Trl, Conway AR 72032

Primary Owner:

SWAFFAR EDDIE

Secondary Owner:

SWAFFAR E J

Site Address:

2155 APACHE TRL

CONWAY AR 72032

2155 Apache Trail

Owner Address:
2155APACHETRL
CONWAYAR 72032

APN:
71207193062

Assessed Value
\$20,000.00

Current and Previous Occupants for 2155 Apache Trl, Conway AR 72032

Name:
MCKIM, SHAWNA RENNE
Address:
2155 Apache Trl, Conway AR 72032
Phone:
(501) 514-9774
Reported:
08/20/2008

Name:
SWAFFAR, E J
Address:
2155 Apache Trl, Conway AR 72032
Phone:
Not Found
Reported:
10/29/2007

Name:
FORBES, LAURA
Address:
2155 Apache Trl, Conway AR 72032
Phone:
(501) 336-0968
Reported:
07/01/2004

Details for 241 RR 8, Conway AR 72032

Listed Phone Numbers for 241 RR 8, Conway AR 72032

Name:
SCOTT, DOROTHY L
Phone:
(501) 329-9325 As Of 11/13/2000

Name:
SCOTT, ALTON O
Phone:
(501) 329-9325 As Of 02/01/1987
Neighbors for 241 RR 8, Conway AR 72032

Name:
STANLEY, EARNESTINE H
Address:
202 RR 8, Conway AR 72032
Phone:
(501) 327-7351
Reported:
11/13/2000

Name:
STANLEY, EARNESTINE H
Address:
202 RR 8, Conway AR 72032
Phone:
(501) 327-7351
Reported:
11/13/2000

Name:
Lewis, Celestine B
Address:
202 RR 8, Conway AR 72032
Phone:
(501) 327-0985
Reported:
09/01/1985

Name:
Lewis, Celestine B
Address:
202 RR 8, Conway AR 72032
Phone:
(501) 327-0985
Reported:
09/01/1985

Name:
MILAM, CHARLES E
Address:
203 RR 8, Conway AR 72032
Phone:
(501) 329-8528
Reported:
11/13/2000

Name:
ERICKSON, JERRY MARTIN
Address:
207 RR 8, Conway AR 72032
Phone:
(501) 327-5916
Reported:
08/01/1992

Name:
ERICKSON, JERRY MARTIN
Address:
207 RR 8, Conway AR 72032
Phone:
(501) 327-5916
Reported:
08/01/1992

Name:
CARGILE, THOMAS EDWARD
Address:
205 RR 8, Conway AR 72032
Phone:
(501) 327-3368
Reported:
11/13/2000

Name:
CARGILE, THOMAS EDWARD
Address:
205 RR 8, Conway AR 72032
Phone:
(501) 327-3368
Reported:
11/13/2000

Name:
KING, SCHOENE DALE
Address:
205 RR 8, Conway AR 72032
Phone:
(501) 329-6413
Reported:
02/01/1988

Name:
KING, SCHOENE DALE
Address:
205 RR 8, Conway AR 72032
Phone:
(501) 329-6413

Reported:
02/01/1988

Name:
BUNTING, CONNIE E
Address:
206 RR 8, Conway AR 72032
Phone:
(501) 327-5107
Reported:
11/13/2000

Name:
BUNTING, CONNIE E
Address:
206 RR 8, Conway AR 72032
Phone:
(501) 327-5107
Reported:
11/13/2000

Name:
King, Peggy Ann
Address:
205 RR 8, Conway AR 72032
Phone:
(501) 329-6413
Reported:
11/13/2000

Name:
King, Peggy Ann
Address:
205 RR 8, Conway AR 72032
Phone:
(501) 329-6413
Reported:
11/13/2000

Current and Previous Occupants for 241 RR 8, Conway AR 72032

Name:
SCOTT, DOROTHY L
Address:
241 RR 8, Conway AR 72032
Phone:
(501) 329-9325
Reported:

11/13/2000

Name:
SCOTT, ALTON O
Address:
241 RR 8, Conway AR 72032
Phone:
(501) 329-9325
Reported:
02/01/1987

Details for 365 E German Ln, Conway AR 72032

Listed Phone Numbers for 365 E German Ln, Conway AR 72032

Name:
ELSINGER, GERALD
Phone:
(501) 327-3861 As Of 07/22/2005

Name:
ELSINGER, ROSE A
Phone:
(501) 327-3861 As Of 02/25/2004

Name:
ELSINGER, GERALD F
Phone:
(501) 796-0141 As Of 10/29/2007

Name:
ELSINGER, ROSIE
Phone:
(501) 327-3861 As Of 10/29/2007

Name:
ELSINGER, SAMUEL THOMAS
Phone:
(501) 327-3861 As Of 11/02/2004

Name:
ELSINGER, GERALD F
Phone:
(501) 796-0141 As Of 02/25/2004

Name:
BLESSING, ROBERT DEAN
Phone:
(501) 329-8909 As Of 06/01/2002

Name:
JERNIGAN, VALERIE MARIE

Phone:
(501) 605-9077 As Of 01/01/2001

Name:
JERNIGAN, WILLIAM SCOTT
Phone:
(501) 882-5517 As Of 09/01/1999

Name:
KITTS, M
Phone:
(501) 329-7040 As Of 11/01/1998

Name:
BLESSING, R
Phone:
(501) 450-7171 As Of 02/01/1998

Property Ownership for 365 E German Ln, Conway AR 72032

Primary Owner:
ELSINGER GERALD

Secondary Owner:
ELSINGER ROSIE

Site Address:
365 E GERMAN LN
CONWAY AR 72032

Owner Address:
365EGERMANLN
CONWAYAR 72032

APN:
71207145001

Assessed Value
\$50,000.00

Current and Previous Occupants for 365 E German Ln, Conway AR 72032

Name:
ALLEN, STEVE M
Address:
365 E German Ln, Conway AR 72032
Phone:
Not Found
Reported:

03/25/2008

Name:
ALLEN, STEVE M
Address:
365 E German Ln, Conway AR 72032
Phone:
Not Found
Reported:
11/15/2007

Name:
ELSINGER, ROSIE
Address:
365 E German Ln, Conway AR 72032
Phone:
(501) 327-3861
Reported:
10/29/2007

Name:
ELSINGER, GERALD F
Address:
365 E German Ln, Conway AR 72032
Phone:
(501) 796-0141
Reported:
10/29/2007

Name:
Elsinger, Samuel Thomas
Address:
365 E German Ln, Conway AR 72032
Phone:
(501) 327-3861
Reported:
11/02/2004

Name:
Elsinger, Katie Teresa
Address:
365 E German Ln, Conway AR 72032
Phone:
Not Found
Reported:
11/02/2004

Name:
ELSINGER, GERALD F
Address:

365 E German Ln, Conway AR 72032
Phone:
(501) 796-0141
Reported:
02/25/2004

Name:
COURTNEY, ROBERT L
Address:
365 E German Ln, Conway AR 72032
Phone:
Not Found
Reported:
06/01/2003

Name:
ELSINGER, ROSIE
Address:
365 E German Ln, Conway AR 72032
Phone:
Not Found
Reported:
01/01/2003

Name:
BLESSING, ROBERT DEAN
Address:
365 E German Ln, Conway AR 72032
Phone:
(501) 329-8909
Reported:
06/01/2002

Name:
JERNIGAN, VALERIE MARIE
Address:
365 E German Ln, Conway AR 72032
Phone:
(501) 605-9077
Reported:
01/01/2001

Name:
JERNIGAN, WILLIAM SCOTT
Address:
365 E German Ln, Conway AR 72032
Phone:
(501) 882-5517
Reported:
09/01/1999

Name:
KITTS, M
Address:
365 E German Ln, Conway AR 72032
Phone:
(501) 329-7040
Reported:
11/01/1998

Name:
KITTS, MELANIE L
Address:
365 E German Ln, Conway AR 72032
Phone:
Not Found
Reported:
06/01/1998

Name:
Blessing, R
Address:
365 E German Ln, Conway AR 72032
Phone:
(501) 450-7171
Reported:
02/01/1998

Real Property Ownership by Name and State for SWAFFAR, EDDIE LINN JR

Primary Owner:
SWAFFAR EDDIE

Secondary Owner:
SWAFFAR E J

Site Address:
2155 APACHE TRL
CONWAY AR 72032

Owner Address:
2155APACHETRL
CONWAYAR 72032

APN:
71207193062

Assessed Value
\$20,000.00

Bankruptcies, Tax Liens & Judgments by Name for SWAFFAR, EDDIE LINN JR

Name:
SWAFFAR, EDDIE

Address:
365 E GERMAN, CONWAY AR 72032

Action:
CIVIL JUDGMENT

Court:
MORRILTON MUNICIPAL COURT

Plaintiff:
SOUTHWESTERN BELL YELLOW PAGES

Case:
CIV93204 (01/20/1994)

Liability/Assests:
\$878.00/NA

Not Found

The following databases were searched but no records were found.

Marriage by Name and State (CA, CO, CT, FL, IA, IL, KY, ME, MN, NV, OH, TX, UT)

*** No Record Found ***

Divorce by Name and State (CO, FL, MN, NV, TX)

*** No Record Found ***

DEA Registrants by Name

*** No Record Found ***

FAA Aircraft by Name

*** No Record Found ***

FAA Airmen by Name

*** No Record Found ***

Coast Guard Merchant Vessels by Name

*** No Record Found ***

Internet Domains owned by SWAFFAR, EDDIE LINN JR

*** No Record Found ***

Death by Name and State

*** No Record Found ***

2155 Apache Trail Parcel Details

This property is co-owned by:

- Eddie Linn Swaffar, Jr.
- Elmer Joe (E.J.) "Horsefly" Swaffar

According to the Faulkner County Tax Collector's office, this property is current with its property taxes. The next tax payment is due 10/10/2009 for \$628.18.

Parcel Detail Information Source:

<http://www.arcountydata.com/parcel.asp?item=BC825&Page=2&countycode=fautax>

Basic Information	
Parcel Number:	712-07193-062
County Name:	Faulkner County
Ownership Information:	SWAFFAR, EDDIE JR & E J 2155 APACHE TRL CONWAY, AR Map This Address
Billing Information:	SWAFFAR, EDDIE JR & E J 2155 APACHE TRL CONWAY AR 72032-
Total Acres:	0.00
Timber Acres:	0.00
Sec-Twp-Rng:	09-05N-13W
Lot/Block:	62/
Subdivision:	INDIAN MEADOWS SUB PHASE 4
Legal Description:	LOT 62 INDIAN MEADOWS SUB PH 4
School District:	1C CONWAY CITY
Homestead Parcel?:	Yes
Tax Status:	Taxable
Over 65?:	No

Land Information							
Land Divisions:	Land Type	Quantity	Front Width	Rear Width	Depth 1	Depth 2	Quarter
	RESHS	1 lots	0	0	0	0	

Valuation Information		
	Appraised	Assessed
Land:	20,000	4,000
Improvements:	95,350	19,070
Total Value:	115,350	23,070
Taxable Value:		20,550
Millage:		0.0476
Estimated Taxes [?]:		\$978.18
Assessment Year:		2008

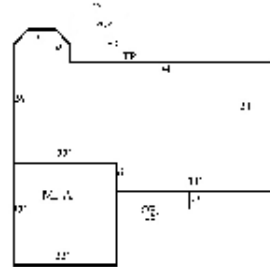
Sales History						
Date	Price	Grantor	Grantee	Book	Page	Deed Type
11/20/2007	0	REDEMPTION# 242104		2007	23891	REDEMP(REDEMPTION DEED)
4/30/2001	20,000	MCKIM	SWAFFAR SEE NOTES	2001	6992	WD(Warranty Deed)
11/24/1992	71,000			523	-68	
2/14/1992	0			501	-23	
12/10/1991	14,000			496	-255	
	0			112	-300	

2155 Apache Trail

Improvement Information

Residential Improvements

Residential Improvement #1



Living Area 1st Floor	1,511	Basement Unfinished	0
Living Area 2nd Floor	0	Basement Finished w/Partitions	0
		Basement Finished w/o Partitions	0
Living Area Total SF	1,511	Basement Total SF	0

Occupancy Type:	Single Family
Grade:	D4 + 10
Story Height:	1 Story
Year Built:	1994
Effective Age:	8
Construction Type:	Masonry
Roof Type:	Fiberglass
Heat / AC:	Central
Fireplace:	1 Single 1-Story Average
Bathrooms:	2 full 0 half
Foundation Type:	Slab
Floor Type:	Elevated Slab
Floor Covering:	carpet: 1,511 sq ft

Additive Items:	Additive Item	Quantity	Size	Description
	MFA	484		MAS FIN ATTACHED
	OP	64		OPEN PORCH
	PCA	120		PATIO COVER, ALUM
	PS	120		PATIO SLAB

Outbuildings / Yard Improvements:	OB/YI Item	Quantity	Size	Description
	CDW	592		CONCRETE DRIVEWAY
	WFX6	160		6' WOOD PRIVACY

**Elmer Joe (E.J.) "Horsefly" Swaffar
Real Estate Holdings in Faulkner County Arkansas**

Elmer Joe (E.J.) "Horsefly" Swaffar is the owner of record of 190 parcels of Faulkner County, Arkansas, real estate with an assessed value of \$1,207,600. The parcels include 75 residential lots and/or homes and an additional 7,047.86 acres of land. The annual tax bill on these real estate holdings is an estimated \$9,553.

Detail listings of property records of the real estate holdings Elmer Joe (E.J.) "Horsefly" Swaffar are in the following section starting on the next page.

Elmer Joe (E.J.) "Horsefly" Swaffar was married to Louise Clara Hamling Swaffar. Louise Clara Hamling Swaffar is the owner of record of 17 parcels of Faulkner County, Arkansas, real estate with an assessed value of \$214,200. The parcels include 4 residential lots and/or homes and an additional 164.44 acres of land. The annual tax bill on these real estate holdings is an estimated \$1,701.

Note that these listings are limited to Faulkner County, Arkansas. There may be real estate holdings in other counties and/or states.

This information was obtained using Arkansas County real estate tax system here:
<http://www.arcountydata.com/county.asp?county=Faulkner>

Elmer Joe (E.J.) "Horsefly" Swaffar Real Estate Holdings Faulkner County Arkansas

Parcel #	Detail Web Site	Appraised Value	Estimated Taxes	Purchase Date	Purchase Price	Owner	Type	Site Address	Location	Lots	Acres
001-03701-000	http://www.arcoun	10,000	94.40			SWAFFAR, ELMER JOE	RES	Faulkner County No Address	17-05N-12W PT SW SE LIBERTY FD ...		1.00
001-04209-000	http://www.arcoun	5,150	47.69	6/9/1987	63,000	SWAFFAR, ELMER JOE	RES	Faulkner County No Address	06-06N-12W W CAD W 1/2 NE		43.39
001-05328-000	http://www.arcoun	5,100	47.23	6/9/1987	63,000	SWAFFAR, ELMER JOE	RES	No Address	31-07N-12W PT E 1/2 NW		28.45
001-05342-000	http://www.arcoun	26,550	245.85	6/9/1987	63,000	SWAFFAR, ELMER JOE	RES	Faulkner County No Address	31-07N-12W PT S 1/2		163.18
001-06079-000	http://www.arcoun	9,900	16.42			SWAFFAR, ELMER JOE	RES	Faulkner County 406 LAKE BENNETT RD GREENBRIER	33-08N-12W PT W 1/2 SE CENTERV...		1.78
001-07280-000	http://www.arcoun	4,750	42.28			SWAFFAR, ELMER JOE	RES	Faulkner County No Address	10-05N-13W W 3/4 SE SW 286 EAST...		30.00
001-07797-000	http://www.arcoun	176,050	1,323.43	12/11/1986		SWAFFAR, ELMER JOE	RES	Faulkner County HWY 286	22-05N-13W PT NE NW N OF HWY 28...		33.03
001-07798-000	http://www.arcoun	1,150	10.24	12/11/1986		SWAFFAR, ELMER JOE	RES	Faulkner County No Address	22-05N-13W PT NE NW SO HWY 286 ...		6.00
001-07813-000	http://www.arcoun	1,000	8.90			SWAFFAR, ELMER JOE	RES	Faulkner County No Address	22-05N-13W PT SE NW 286 EAST FD...		1.00
001-07814-000	http://www.arcoun	6,500	57.85			SWAFFAR, ELMER JOE	RES	Faulkner County No Address	22-05N-13W NE SW 286 EAST FD 64		40.00
001-07839-000	http://www.arcoun	12,400	110.36			SWAFFAR, ELMER JOE	RES	Faulkner County No Address	22-05N-13W S 1/2 SW 286 EAST FD...		80.00
001-07886-001	http://www.arcoun	60,450	538.01	5/7/2008	25,000	SWAFFAR, E.J.	RES	Faulkner County 65 DAUGHERTY HILL RD CONWAY	23-05N-13W PT NE NW 286 EAST FD...		19.93
001-08012-000	http://www.arcoun	13,000	115.70	6/8/1995		SWAFFAR, ELMER JOE	RES	Faulkner County No Address	27-05N-13W NW NW & SE NW 286 EA...		80.00
001-08013-000	http://www.arcoun	24,200	215.38	8/21/1987		SWAFFAR, ELMER JOE	RES	Faulkner County No Address	27-05N-13W SW 286 EAST FD 64		160.00
001-08037-000	http://www.arcoun	6,200	55.18	From WC Swaffar		SWAFFAR, ELMER JOE	RES	Faulkner County No Address	27-05N-13W SW SE & PT NW SE 286...		41.00
001-08372-000	http://www.arcoun	5,950	52.96	6/8/1995		SWAFFAR, ELMER JOE	RES	Faulkner County No Address	33-05N-13W NE NE 286 EAST FD 64		40.00
001-08394-000	http://www.arcoun	4,900	43.61			SWAFFAR, ELMER JOE	RES	Faulkner County No Address	34-05N-13W W 3/4 NE NE 286 EAST ...		30.00
001-08397-000	http://www.arcoun	11,000	97.90			SWAFFAR, ELMER JOE	RES	Faulkner County No Address	34-05N-13W W 1/2 NE 286 EAST FD ...		80.00
001-08423-000	http://www.arcoun	6,950	61.86			SWAFFAR, ELMER JOE	RES	Faulkner County No Address	34-05N-13W NW NW 286 EAST FD 64		40.00
001-08487-000	http://www.arcoun	1,850	16.47			SWAFFAR, ELMER JOE	RES	Faulkner County No Address	35-05N-13W PT NE NE 60 X 164 FT ...		0.23
001-13154-000	http://www.arcoun	7,500	48.95	6/18/1962		SWAFFAR, ELMER JOE	RES	Faulkner County No Address	25-06N-14W NW COR NE SW		0.50
002-00017-000M	http://www.arcoun	150	1.42			SWAFFAR, ELMER JOE	MIN	Faulkner County No Address	06-05N-11W PT N 1/2 NW 1/12 INT		39.00
002-00018-000M	http://www.arcoun	150	1.42			SWAFFAR, ELMER JOE	MIN	Faulkner County No Address	06-05N-11W PT NE NW		38.00
002-00019-000M	http://www.arcoun	150	1.42			SWAFFAR, ELMER JOE	MIN	Faulkner County No Address	06-05N-11W N 1/2 NW 1/12 INT		39.00
002-00020-000M	http://www.arcoun	150	1.42			SWAFFAR, ELMER JOE	MIN	Faulkner County No Address	06-05N-11W PT N 1/2 NW 1/12 INT		39.00
002-00051-000M	http://www.arcoun	150	1.42			SWAFFAR, ELMER JOE	MIN	Faulkner County No Address	29-05N-11W E 1/2 W 1/2 SE 1/12 ...		40.00
002-00054-000M	http://www.arcoun	150	1.42			SWAFFAR, ELMER JOE	MIN	Faulkner County No Address	29-05N-11W W 1/2 SW 1/12 INT		40.00
002-00056-000M	http://www.arcoun	150	1.42			SWAFFAR, ELMER JOE	MIN	Faulkner County No Address	29-05N-11W E 1/2 W 1/2 SE 1/12 ...		40.00
002-00060-000M	http://www.arcoun	300	2.83			SWAFFAR, ELMER JOE	MIN	Faulkner County No Address	30-05N-11W W 1/2 SW		80.00
002-00061-000M	http://www.arcoun	150	1.42			SWAFFAR, ELMER JOE	MIN	Faulkner County No Address	31-05N-11W NW NW		40.00
002-00062-000M	http://www.arcoun	600	5.66			SWAFFAR, ELMER JOE	MIN	Faulkner County No Address	32-05N-11W NW 1/4		160.00

Elmer Joe (E.J.) "Horsefly" Swaffar Real Estate Holdings Faulkner County Arkansas

Parcel #	Detail Web Site	Appraised Value	Estimated Taxes	Purchase Date	Purchase Price	Owner	Type	Site Address	Location	Lots	Acres
002-00068-000M	http://www.arkcour.gov	600	5.66			SWAFFAR, ELMER JOE	MIN	No Address	NW		160.00
002-00069-000M	http://www.arkcour.gov	300	2.83			SWAFFAR, ELMER JOE	MIN	No Address	W 1/2 SW 1/2 INT		80.00
002-00070-000M	http://www.arkcour.gov	150	1.42			SWAFFAR, ELMER JOE	MIN	No Address	NW NW 1/2 INT		40.00
002-00071-000M	http://www.arkcour.gov	600	5.66			SWAFFAR, ELMER JOE	MIN	No Address	31-05N-11W		160.00
002-00072-000M	http://www.arkcour.gov	150	1.42			SWAFFAR, ELMER JOE	MIN	No Address	NW 1/2 INT		40.00
002-00073-000M	http://www.arkcour.gov	150	1.42			SWAFFAR, ELMER JOE	MIN	No Address	NE NW 7/8 INT		20.00
002-00074-000M	http://www.arkcour.gov	150	1.42			SWAFFAR, ELMER JOE	MIN	No Address	34-05N-11W		80.00
002-00075-000M	http://www.arkcour.gov	300	2.83			SWAFFAR, ELMER JOE	MIN	No Address	30-05N-11W		40.00
002-00076-000M	http://www.arkcour.gov	150	1.42			SWAFFAR, ELMER JOE	MIN	No Address	W 1/2 SW		40.00
002-00077-000M	http://www.arkcour.gov	600	5.66			SWAFFAR, ELMER JOE	MIN	No Address	NW NW		160.00
002-00111-000M	http://www.arkcour.gov	150	1.37			SWAFFAR, ELMER J	MIN	No Address	20-06N-11W		25.00
002-00112-000M	http://www.arkcour.gov	150	1.37			SWAFFAR, ELMER J	MIN	No Address	PT SE NW 1/2 INT		20.20
002-00156-000M	http://www.arkcour.gov	600	5.66			SWAFFAR, ELMER J	MIN	No Address	PT NE SE 5/8 INT		160.00
002-00185-000M	http://www.arkcour.gov	150	1.42			SWAFFAR, ELMER JOE	MIN	No Address	28-06N-11W		40.00
002-00243-000M	http://www.arkcour.gov	150	1.37			SWAFFAR, ELMER JOE	MIN	No Address	NE 1/4		30.00
002-00250-000M	http://www.arkcour.gov	150	1.37			SWAFFAR, ELMER JOE	MIN	No Address	31-06N-11W		40.00
002-00251-000M	http://www.arkcour.gov	150	1.37			SWAFFAR, ELMER JOE	MIN	No Address	SE SW		20.00
002-00252-000M	http://www.arkcour.gov	150	1.37			SWAFFAR, ELMER JOE	MIN	No Address	16-07N-11W		80.00
002-00255-000M	http://www.arkcour.gov	300	2.74			SWAFFAR, ELMER JOE	MIN	No Address	W 3/4 SE SE		20.00
002-00256-000M	http://www.arkcour.gov	150	1.37			SWAFFAR, ELMER JOE	MIN	No Address	19-07N-11W		38.00
002-00258-000M	http://www.arkcour.gov	150	1.37			SWAFFAR, ELMER JOE	MIN	No Address	SE SE 1/2 INT		80.00
002-00274-000M	http://www.arkcour.gov	150	1.37			SWAFFAR, ELMER JOE	MIN	No Address	20-07N-11W		80.00
002-00276-000M	http://www.arkcour.gov	300	2.87			SWAFFAR, ELMER JOE	MIN	No Address	W 1/2 NW SW 1/2 INT		160.00
002-00298-000M	http://www.arkcour.gov	300	2.74			SWAFFAR, ELMER JOE	MIN	No Address	20-07N-11W		7.44
002-00299-000M	http://www.arkcour.gov	600	5.47			SWAFFAR, ELMER JOE	MIN	No Address	W 1/2 SW SW 1/2 INT		40.00
002-00300-000M	http://www.arkcour.gov	150	1.37			SWAFFAR, ELMER JOE	MIN	No Address	W 1/2 SW SW 1/2 INT		160.00
002-00312-000M	http://www.arkcour.gov	150	1.26			SWAFFAR, ELMER J	MIN	No Address	E 1/2 NE 1/2 INT		40.00
002-00506-000M	http://www.arkcour.gov	600	5.66			SWAFFAR, ELMER JOE	MIN	No Address	02-08N-11W		160.00
002-00507-000M	http://www.arkcour.gov	300	2.83			SWAFFAR, ELMER JOE	MIN	No Address	NW 1/2 INT		7.44
002-00508-000M	http://www.arkcour.gov	150	1.42			SWAFFAR, ELMER JOE	MIN	No Address	02-08N-11W		40.00
002-00514-000M	http://www.arkcour.gov	600	5.66			SWAFFAR, ELMER JOE	MIN	No Address	NE SW 1/2 INT		160.00
002-00515-000M	http://www.arkcour.gov	600	5.66			SWAFFAR, ELMER JOE	MIN	No Address	SW SW 1/3 INT		160.00
002-00516-000M	http://www.arkcour.gov	600	5.66			SWAFFAR, ELMER JOE	MIN	No Address	25-05N-12W		40.00
002-00524-000M	http://www.arkcour.gov	150	1.42			SWAFFAR, ELMER JOE	MIN	No Address	SE 1/4		160.00
									30-05N-12W		80.00
									W 1/2 SW		40.00
									31-05N-12W		160.00
									NW NW		160.00
									SE 1/4 1/2		40.00
									25-05N-12W		160.00
									SE 1/4 1/2 INT		160.00
									25-05N-12W		40.00
									SE 1/4 1/2 INT		160.00
									28-05N-12W		40.00
									E 1/2 W 1/2 SE		40.00
									36-05N-12W		40.00

Elmer Joe (E.J.) "Horsefly" Swaffar Real Estate Holdings Faulkner County Arkansas

Parcel #	Detail Web Site	Appraised Value	Estimated Taxes	Purchase Date	Purchase Price	Owner	Type	Site Address	Location	Lots	Acres
002-00557-000M	http://www.arkcour.gov	300	2.83			SWAFFAR, ELMER JOE	MIN	No Address	E 1/2 NW		80.00
002-00558-000M	http://www.arkcour.gov	300	2.83			SWAFFAR, ELMER JOE	MIN	No Address	E 1/2 NW		80.00
002-00560-000M	http://www.arkcour.gov	300	2.83			SWAFFAR, ELMER JOE	MIN	No Address	E 1/2 NW		80.00
002-00563-000M	http://www.arkcour.gov	300	2.83			SWAFFAR, ELMER JOE	MIN	No Address	E 1/2 NW		80.00
002-00569-000M	http://www.arkcour.gov	300	2.74			SWAFFAR, ELMER JOE	MIN	No Address	E 1/2 SE		80.00
002-00590-000M	http://www.arkcour.gov	300	2.74			SWAFFAR, ELMER JOE	MIN	No Address	E 1/2 SE 1/12 INT		80.00
002-00591-000M	http://www.arkcour.gov	300	2.74			SWAFFAR, ELMER JOE	MIN	No Address	E 1/2 SE 1/12 INT		80.00
002-00592-000M	http://www.arkcour.gov	300	2.74			SWAFFAR, ELMER JOE	MIN	No Address	E 1/2 SE 1/2 INT		80.00
002-00626-000M	http://www.arkcour.gov	300	2.83			SWAFFAR, ELMER JOE	MIN	No Address	E 1/2 SE		80.00
002-00635-000M	http://www.arkcour.gov	150	1.42			SWAFFAR, ELMER JOE	MIN	No Address	E 1/2 SE		40.00
002-00638-000M	http://www.arkcour.gov	150	1.42			SWAFFAR, ELMER JOE	MIN	No Address	E 1/2 SE 1/12 INT		20.00
002-00639-000M	http://www.arkcour.gov	150	1.42			SWAFFAR, ELMER JOE	MIN	No Address	E 1/2 SE 1/2 INT		40.00
002-00642-000M	http://www.arkcour.gov	150	1.42			SWAFFAR, ELMER JOE	MIN	No Address	E 1/2 SE 1/12 INT		20.00
002-00643-000M	http://www.arkcour.gov	150	1.42			SWAFFAR, ELMER JOE	MIN	No Address	E 1/2 SE		40.00
002-00644-000M	http://www.arkcour.gov	150	1.42			SWAFFAR, ELMER JOE	MIN	No Address	E 1/2 SE		20.00
002-00645-000M	http://www.arkcour.gov	150	1.42			SWAFFAR, ELMER JOE	MIN	No Address	E 1/2 SE		40.00
002-00688-000M	http://www.arkcour.gov	300	2.53			SWAFFAR, ELMER JOE	MIN	No Address	E 1/2 SW		80.00
002-00689-000M	http://www.arkcour.gov	150	1.26			SWAFFAR, ELMER JOE	MIN	No Address	E 1/2 SW		40.00
002-00690-000M	http://www.arkcour.gov	150	1.26			SWAFFAR, ELMER JOE	MIN	No Address	E 1/2 SW		40.00
002-00731-000M	http://www.arkcour.gov	150	1.26			SWAFFAR, ELMER J	MIN	No Address	E 1/2 SW		40.00
002-00770-000M	http://www.arkcour.gov	600	5.05			SWAFFAR, ELMER JOE	MIN	No Address	E 1/2 SW		160.00
002-00771-000M	http://www.arkcour.gov	150	1.26			SWAFFAR, ELMER JOE	MIN	No Address	E 1/2 SW		14.00
002-00961-000M	http://www.arkcour.gov	300	2.89			SWAFFAR, ELMER J	MIN	No Address	E 1/2 SW		80.00
002-00968-000M	http://www.arkcour.gov	150	1.44			SWAFFAR, ELMER JOE	MIN	No Address	E 1/2 SW		38.50
002-00970-000M	http://www.arkcour.gov	150	1.44			SWAFFAR, ELMER JOE	MIN	No Address	E 1/2 SW		38.00
002-00981-000M	http://www.arkcour.gov	150	1.44			SWAFFAR, ELMER J	MIN	No Address	E 1/2 SW		40.00
002-00982-000M	http://www.arkcour.gov	150	1.44			SWAFFAR, ELMER J	MIN	No Address	E 1/2 SW		40.00
002-00989-000M	http://www.arkcour.gov	150	1.44			SWAFFAR, ELMER JOE	MIN	No Address	E 1/2 SW		40.00
002-00990-000M	http://www.arkcour.gov	150	1.44			SWAFFAR, ELMER JOE	MIN	No Address	E 1/2 SW		40.00
002-00992-000M	http://www.arkcour.gov	150	1.44			SWAFFAR, ELMER JOE	MIN	No Address	E 1/2 SW		24.00
002-01002-000M	http://www.arkcour.gov	300	2.53			SWAFFAR, ELMER JOE	MIN	No Address	E 1/2 SW		80.00
002-01009-000M	http://www.arkcour.gov	300	2.53			SWAFFAR, ELMER JOE	MIN	No Address	E 1/2 SW		64.00
002-01247-000M	http://www.arkcour.gov	150	1.44			SWAFFAR, ELMER J	MIN	No Address	E 1/2 SW		40.00

Elmer Joe (E.J.) "Horsefly" Swaffar Real Estate Holdings Faulkner County Arkansas

Parcel #	Detail Web Site	Appraised Value	Estimated Taxes	Purchase Date	Purchase Price	Owner	Type	Site Address	Location	Lots	Acres
002-01252-000M	http://www.arcoun	150	1.44			SWAFFAR, ELMER J	MIN	Faulkner County No Address	03-07N-13W SW NE		40.00
002-01253-000M	http://www.arcoun	150	1.44			SWAFFAR, ELMER J	MIN	Faulkner County No Address	03-07N-13W SE NW		40.00
002-01289-000M	http://www.arcoun	600	5.56			SWAFFAR, ELMER JOE	MIN	Faulkner County No Address	09-07N-13W E 1/2 NW 7/8		160.00
002-01367-000M	http://www.arcoun	150	1.44			SWAFFAR, ELMER JOE	MIN	Faulkner County No Address	02-08N-13W S 1/2 S 1/2 SE NW		10.00
002-01383-000M	http://www.arcoun	300	2.94			SWAFFAR, ELMER JOE	MIN	Faulkner County No Address	03-08N-13W		80.00
002-01401-000M	http://www.arcoun	150	1.47			SWAFFAR, ELMER JOE	MIN	Faulkner County No Address	05-08N-13W NE NE		40.00
002-01533-000M	http://www.arcoun	150	1.44			SWAFFAR, ELMER J	MIN	Faulkner County No Address	18-08N-13W NE SE		40.00
002-01548-000M	http://www.arcoun	600	5.77			SWAFFAR, ELMER JO	MIN	Faulkner County No Address	20-08N-13W		160.00
002-01561-000M	http://www.arcoun	150	1.44			SWAFFAR, ELMER JOE	MIN	Faulkner County No Address	25-08N-13W		20.00
002-01610-000M	http://www.arcoun	600	5.77			SWAFFAR, ELMER JOE	MIN	Faulkner County No Address	W 1/2 SW NW 1/6 INT		160.00
002-01707-000M	http://www.arcoun	150	1.34			SWAFFAR, ELMER JOE	MIN	Faulkner County No Address	33-08N-13W SE 1/4 7/8 INT		40.00
002-01729-000M	http://www.arcoun	150	1.39			SWAFFAR, ELMER JOE	MIN	Faulkner County No Address	08-05N-14W SE NE 7/8 INT		27.00
002-01730-000M	http://www.arcoun	150	1.39			SWAFFAR, ELMER JOE	MIN	Faulkner County No Address	01-06N-14W PT SW NE 7/8 INT		10.00
002-01731-000M	http://www.arcoun	150	1.39			SWAFFAR, ELMER JOE	MIN	Faulkner County No Address	02-06N-14W PT SW NW 7/8 INT		10.00
002-01733-000M	http://www.arcoun	150	1.39			SWAFFAR, ELMER JOE	MIN	Faulkner County No Address	10-06N-14W PT SE NE 7/8 INT		40.00
002-01734-000M	http://www.arcoun	300	2.78			SWAFFAR, ELMER JOE	MIN	Faulkner County No Address	10-06N-14W NE NE 7/8 INT		80.00
002-01735-000M	http://www.arcoun	150	1.39			SWAFFAR, ELMER JOE	MIN	Faulkner County No Address	10-06N-14W S 1/2 NE 7/8 INT		20.00
002-01736-000M	http://www.arcoun	300	2.78			SWAFFAR, ELMER JOE	MIN	Faulkner County No Address	E 1/2 NE SE 7/8 INT		80.00
002-01977-000M	http://www.arcoun	150	1.39			SWAFFAR, ELMER JOE	MIN	Faulkner County No Address	14-08N-14W PT SW SE		37.00
002-01978-000M	http://www.arcoun	150	1.39			SWAFFAR, ELMER JOE	MIN	Faulkner County No Address	14-08N-14W		42.00
002-01989-000M	http://www.arcoun	150	1.39			SWAFFAR, ELMER JOE	MIN	Faulkner County No Address	PT W 1/2 SE 15-08N-14W		39.00
002-02017-000M	http://www.arcoun	600	5.77			SWAFFAR, ELMER J	MIN	Faulkner County No Address	PT NE NE 24-08N-14W		80.00
150-00001-000	http://www.arcoun	3,000	26.70			SWAFFAR, ELMER JOE	RES	Faulkner County No Address	E 1/2 SW BEAVERS LAKE RESORT	Block: 1	-
150-00005-000	http://www.arcoun	1,000	8.90			SWAFFAR, ELMER JOE	RES	Faulkner County No Address	Lot: 1, 2, & 3	Block: 1	-
150-00013-000	http://www.arcoun	1,000	8.90			SWAFFAR, ELMER JOE	RES	Faulkner County No Address	Lot: 5	Block: 1	-
150-00033-000	http://www.arcoun	4,000	35.60			SWAFFAR, ELMER JOE	RES	Faulkner County No Address	Lot: 13	Block: 1	-
150-00043-000	http://www.arcoun	500	4.45			SWAFFAR, ELMER JOE	RES	Faulkner County No Address	Lot: 7, 8, 9, & 10	Block: 2	-
150-00050-000	http://www.arcoun	500	4.45			SWAFFAR, ELMER JOE	RES	Faulkner County No Address	Lot: 7	Block: 3	-
150-00060-000	http://www.arcoun	3,500	31.15			SWAFFAR, ELMER JOE	RES	Faulkner County No Address	Lot: 14	Block: 3	-
150-00072-000	http://www.arcoun	1,000	8.90			SWAFFAR, ELMER JOE	RES	Faulkner County No Address	Lot: 10, 11, 12, 13, 14, 15, & 16	Block: 4	-
150-00075-000	http://www.arcoun	2,000	17.80			SWAFFAR, ELMER JOE	RES	Faulkner County No Address	Lot: 4 & 5	Block: 5	-
165-00024-000	http://www.arcoun	6,000	53.40			SWAFFAR, ELMER JOE	RES	Faulkner County No Address	Lot: 7, 8, 9, & 10	Block: 5	-
							RES	Faulkner County 4237 BOONE LOOP RD	CADRON RIDGE ESTATES CADRON RIDGE ESTATES	Block: 1	-

Elmer Joe (E.J.) "Horsefly" Swaffar Real Estate Holdings Faulkner County Arkansas

Parcel #	Detail Web Site	Appraised Value	Estimated Taxes	Purchase Date	Purchase Price	Owner	Type	Site Address	Location	Lots	Acres
165-00025-000	http://www.arkcount.com	6,000	53.40			SWAFFAR, ELMER JOE	RES	CONWAY RURAL	FIREMAN'S SUB		-
213-00001-000	http://www.arkcount.com	6,000	53.40	7/11/1983	burned home	SWAFFAR, ELMER JOE	RES	Faulkner County	Lot: 0	Block: 1	-
337-00008-000	http://www.arkcount.com	1,000	9.26			SWAFFAR, ELMER JOE	RES	Faulkner County	Lot: No Address	Block: 1	0.76
340-00006-000	http://www.arkcount.com	4,000	32.93			SWAFFAR, ELMER JOE	RES	Faulkner County	Lot: No Address	Block: 1	-
417-00022-000	http://www.arkcount.com	1,000	9.76			SWAFFAR, ELMER JOE	RES	Faulkner County	Lot: No Address	Block: 2	-
417-00067-000	http://www.arkcount.com	1,000	9.76			SWAFFAR, ELMER JOE	RES	Faulkner County	Lot: No Address	Block: 5	-
417-00073-000	http://www.arkcount.com	1,000	9.76			SWAFFAR, ELMER JOE	RES	Faulkner County	Lot: No Address	Block: 5	-
417-00075-000	http://www.arkcount.com	1,000	9.76			SWAFFAR, ELMER JOE	RES	Faulkner County	Lot: No Address	Block: 5	-
417-00076-000	http://www.arkcount.com	1,000	9.76			SWAFFAR, ELMER JOE	RES	Faulkner County	Lot: No Address	Block: 5	-
417-00078-000	http://www.arkcount.com	10,550	10.74			SWAFFAR, ELMER JOE	RES	Faulkner County	Lot: No Address	Block: 5	-
429-00046-000	http://www.arkcount.com	14,650	60.89			SWAFFAR, ELMER JOE	RES	MORAN DR VILONIA RURAL	Lot: 46	Block: 1	-
444-00015-000	http://www.arkcount.com	6,000	53.40			SWAFFAR, ELMER JOE	RES	SUNSET DR CONWAY RURAL	Lot: 14	Block: 2	-
444-00037-000	http://www.arkcount.com	6,000	53.40	3/18/2002	2,000	SWAFFAR, ELMER JOE	RES	STARTER HILL CONWAY RURAL	Lot: 7	Block: 4	-
444-00061-000	http://www.arkcount.com	6,000	53.40	3/18/2002	2,000	SWAFFAR, ELMER JOE	RES	FOOTHILL DR CONWAY RURAL	Lot: 33	Block: 4	-
453-00069-000	http://www.arkcount.com	2,000	17.80			SWAFFAR, ELMER JOE	RES	ANN LOOP CONWAY RURAL	Lot: PT 93	Block: 1	-
481-00013-000	http://www.arkcount.com	2,500	24.50			SWAFFAR, ELMER JOE	RES	No Address RURBAN	Lot: 11	Block: 4	-
486-00002-000	http://www.arkcount.com	5,000	44.50	1/7/1997		SWAFFAR, ELMER JOE	RES	FULLER RD CONWAY RURAL	Lot: PT 1 N42.6 S 103	Block: 1	-
710-01433-000	http://www.arkcount.com	8,000	10.47			SWAFFAR, ELMER JOE	RES	N GUM ST CONWAY CITY	Lot: 4 PT	Block: 1	-
710-01585-000	http://www.arkcount.com	800	7.62			SWAFFAR, ELMER JOE	RES	LINCOLN ST CONWAY CITY	Lot: PT 11	Block: 8	-
710-01692-000	http://www.arkcount.com	8,000	41.89			SWAFFAR, ELMER JOE	RES	LINCOLN ST CONWAY CITY	Lot: PT 8	Block: 20	-
710-02772-000	http://www.arkcount.com	8,000	76.16			SWAFFAR, ELMER JOE	RES	GARLAND ST CONWAY CITY	Lot: 2	Block: 5	-
710-02791-000	http://www.arkcount.com	36,400	331.77			SWAFFAR, ELMER JOE	RES	430 GARLAND ST CONWAY CITY	Lot: 16	Block: 6	-
710-03035-000	http://www.arkcount.com	25,000	167.08			SWAFFAR, ELMER JOE	RES	Faulkner County	Lot: PT 202A	Block: 1	-
710-03301-000	http://www.arkcount.com	18,750	31.42			SWAFFAR, ELMER JOE	RES	Faulkner County	Lot: PT 17	Block: 2	-
710-03810-000	http://www.arkcount.com	3,000	28.56			SWAFFAR, ELMER JOE	COM	MARKHAM ST CONWAY CITY	Lot: PT 182	Block: 15	-
								Faulkner County	H P MERRITT'S ADDN	Block: 4	3
								2148 HICKORY	Lot: 1,2,3	Block: 4	

Elmer Joe (E.J.) "Horsefly" Swaffar Real Estate Holdings Faulkner County Arkansas

Parcel #	Detail Web Site	Appraised Value	Estimated Taxes	Purchase Date	Purchase Price	Owner	Type	Site Address	Location	Lots	Acres
710-04788-000	http://www.arkcount.com	18,000	146.61	8/22/1988	16,000	SWAFFAR, ELMER JOE	RES	CONWAY CITY	26-06N-14W Faulkner County		-
710-08602-000	http://www.arkcount.com	10,000	68.07			SWAFFAR, ELMER JOE	RES	No Address	PT E 1/2 SE SW TOWN OF DAMASCUS BRO...		0.50
720-00019-001	http://www.arkcount.com	17,500	122.20			SWAFFAR, ELMER JOE	RES	8 LEWIS DR SOUTHSIDE CITY	Lot: 12 Block: 1	1	-
730-00009-000	http://www.arkcount.com	1,000	9.42	9/24/1982		SWAFFAR, ELMER JOE	RES	No Address	TOWN OF ENOLA HALEYS... Lot: PT 1	Block: 1	-
755-04187-000	http://www.arkcount.com	20,000	211.20			SWAFFAR, ELMER JOE	RES	No Address	04-06N-12W SW COR SW SW HOLLAND...		1.75
760-00190-000	http://www.arkcount.com	20,000	211.20			SWAFFAR, ELMER JOE	RES	NORTH DOGWOOD DR MAYFLOWER CITY	Lot: 6 Block: 8	1	-
760-00641-000	http://www.arkcount.com	8,000	69.70			SWAFFAR, ELMER JOE	RES	Faulkner County	ROBERTS SUB #1 Lot: 12	Block: 4	-
760-00652-000	http://www.arkcount.com	8,000	69.70			SWAFFAR, ELMER JOE	RES	Faulkner County	ROBERTS SUB #1 Lot: 8	Block: 5	-
770-00046-000	http://www.arkcount.com	2,050	19.64	7/6/1983		SWAFFAR, ELMER JOE	COM	GARLAND SPRINGS RD MT VERNON CITY	Lot: 11 Block: 3	1	-
778-14242-000	http://www.arkcount.com	2,500	26.25			SWAFFAR, ELMER JOE	RES	Faulkner County	25-08N-14W PT SW NW TOWN OF TWI...		1.00
001-06127-000	http://www.arkcount.com	13,700	30.73	5/22/1998		SWAFFAR, E J	RES	No Address	35-08N-12W Faulkner County		2.54
001-06360-000	http://www.arkcount.com	4,000	35.60	4/22/2002		SWAFFAR, E J	RES	No Address	PT N1/2 NE SW CENTER...		0.06
001-06894-000	http://www.arkcount.com	6,850	66.86	8/8/1996		SWAFFAR, E J	RES	HWY 365 MAYFLOWER RURAL	PT NW SE FD55		0.76
001-07834-000	http://www.arkcount.com	110,850	903.80	8/12/2002	50,000	SWAFFAR, E J	RES	Faulkner County	22-05N-13W 273 SKUNK HOLLOW RD CONWAY RURAL		2.61
001-07836-000	http://www.arkcount.com	42,150	297.26	10/28/2002	25,000	SWAFFAR, E J	RES	Faulkner County	22-05N-13W 7 GOSS LN CONWAY RURAL		1.00
001-07837-000	http://www.arkcount.com	57,200	450.34	8/12/2002	50,000	SWAFFAR, E J	RES	Faulkner County	22-05N-13W 11 GOSS LANE CONWAY RURAL		1.00
001-08077-001	http://www.arkcount.com	20,000	178.00			SWAFFAR, E J	RES	Faulkner County	28-05N-13W 392 SKUNK HOLLOW RD CONWAY RURAL		2.00
001-08111-000	http://www.arkcount.com	57,350	451.68	12/22/2006	28,000	SWAFFAR, E J	RES	Faulkner County	287 CANEY CREEK RD CONWAY RURAL		1.00
001-08113-000	http://www.arkcount.com	12,000	106.80	11/27/2007	1,130	SWAFFAR, E J	RES	Faulkner County	No Address	PT SW SE LOT 1	0.51
001-09776-000	http://www.arkcount.com	8,450	78.25			SWAFFAR, E J	RES	No Address	06-07N-13W PT NW SW		0.17
001-13586-000	http://www.arkcount.com	2,800	25.93	8/6/1996		SWAFFAR, E J	RES	Faulkner County	11-07N-14W COUNTRYSIDE ESTATES	Lot: PT 2A	0.47
189-00002-001	http://www.arkcount.com	1,000	9.44			SWAFFAR, E J	RES	VILONIA RURAL	SUNNY GAP	Block: 1	-
438-00020-000	http://www.arkcount.com	9,100	80.99			SWAFFAR, E J	RES	Faulkner County	196 WILLIAMS RANCH R...	Lot: 20 Block: 1	-
444-00038-000	http://www.arkcount.com	6,000	53.40	6/8/1998	3,000	SWAFFAR, E J	RES	STARTER HILL RD CONWAY RURAL	Lot: 8 Block: 4	1	-
444-00039-000	http://www.arkcount.com	6,000	53.40	6/8/1998	3,000	SWAFFAR, E J	RES	STARTER HILL CONWAY RURAL	Lot: 9 Block: 4	1	-
444-00039-000	http://www.arkcount.com					SWAFFAR, E J	RES	STARTER HILL CONWAY RURAL	Lot: 10 Block: 4	1	-

Elmer Joe (E.J.) "Horsefly" Swaffar Real Estate Holdings Faulkner County Arkansas

Parcel #	Detail Web Site	Appraised Value	Estimated Taxes	Purchase Date	Purchase Price	Owner	Type	Site Address	Location	Block	Acres
444-00040-000	http://www.arkcour.gov	6,000	53.40	6/8/1998	3,000	SWAFFAR, E J	RES	CONWAY RURAL Faulkner County	SKUNK HOLLOW		-
444-00041-000	http://www.arkcour.gov	23,350	207.82	6/8/1998	3,000	SWAFFAR, E J	RES	9 STARTER HILL RD CONWAY RURAL Faulkner County	11	Block: 4	1
444-00042-000	http://www.arkcour.gov	6,000	53.40	6/8/1998	3,000	SWAFFAR, E J	RES	STARTER HILL RD CONWAY RURAL Faulkner County	12	Block: 4	1
453-00071-000	http://www.arkcour.gov	5,000	44.50	12/10/2001		SWAFFAR, E J	RES	No Address Faulkner County	95	Block: 1	1
460-00010-000	http://www.arkcour.gov	2,500	24.50			SWAFFAR, E J	RES	No Address Faulkner County	10	Block: 3	1
523-00072-000	http://www.arkcour.gov	8,000	71.20	1/2/2002	1,138	SWAFFAR, E J	RES	No Address Faulkner County	35	Block: 1	1
542-00012-000	http://www.arkcour.gov	4,750	44.84	5/30/2000	4,000	SWAFFAR, E J	RES	No Address Faulkner County	12	Block: 1	1
710-00131-000	http://www.arkcour.gov	15,000	53.79	7/5/2005	325	SWAFFAR, E J	RES	1821 JOHNSTON AVE CONWAY CITY Faulkner County	PT 20	Block: 7	1
720-00015-000	http://www.arkcour.gov	7,500	11.44	12/14/2001		SWAFFAR, E J	RES	S MAIN SOUTHSIDE CITY	PT 9	Block: 1	1
720-00038-001	http://www.arkcour.gov	7,500	34.32	10/10/2002					10	Block: 3	1
760-00685-000	http://www.arkcour.gov	25,400	268.22	8/14/2006		SWAFFAR, E J	RES	JACKSON LOOP MAYFLOWER CITY Faulkner County	3 & PT OF 2&4	Block: 8	2
770-00069-000	http://www.arkcour.gov	1,500	14.37	6/13/2005		SWAFFAR, E J	RES	GARLAND SPRINGS RD MT VERNON CITY	PT 1	Block: 5	1

of parcels 190

Appraised Value 1,207,600
Estimated Taxes 9,552.56

Purchase Price 408,593

Lots 75
Acres 7,047.86

Note that the purchase price is not available for all parcels. This purchase price total is based on data available in the county tax records. The actual total purchase price for all parcels is many times higher than this total.