

Bond Case Briefs

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Collins v. City of Bryant

Court of Appeals of Arkansas - June 19, 2013 - S.W.3d - 2013 Ark. App. 409

Landowners brought action against city to enforce alleged easement agreement with city engineer for construction of drainage on landowners' property. Following a jury trial, the Saline County Circuit Court entered judgment for landowners in the amount of \$70,000, and in a separate judgment, awarded landowners attorney fees and costs. City appealed first judgment. The Court of Appeals reversed. Following reversal, the city moved to set aside judgment for attorney fees and costs, and to enter judgment in its favor. The Circuit Court granted city's motion to set aside attorney fee and costs award, but denied motion to enter judgment in city's favor. Landowners appealed and city cross appealed.

The Court of Appeals held that:

- 90-day period for Circuit Court to vacate attorney fee and costs award began to run on the date of the entry of the order, and
- City was not entitled to have a judgment entered in its favor.