

IN THE CIRCUIT COURT OF SALINE COUNTY, ARKANSAS  
THIRD DIVISION

ST. JOSEPH'S UTILITY OPERATING COMPANY, LLC

PLAINTIFF

vs.

Case No. 63CV-18-1217-3

ALEXANDER MUNICIPAL PROPERTY  
OWNERS' MULTIPURPOSE IMPROVEMENT  
DISTRICT NO. 43; ALEXANDER MUNICIPAL  
PROPERTY OWNERS' MULTIPURPOSE  
IMPROVEMENT DISTRICT NO. 86; AND  
ST. JOSEPH'S GLEN PROPERTY OWNERS  
ASSOCIATION

DEFENDANTS

**CONSENT JUDGMENT**

Now on this 18 day of February, 2026, came before the Court the Plaintiff's Complaint for Declaratory Judgment and Quiet Title and the Counter-Plaintiff's Counterclaim for Declaratory Judgment, and the authorization and consent of all the parties hereto to the judgment herein and based upon the representations of counsel and the parties, and other matters considered by the Court, it is hereby ordered and adjudged that the following be entered as a Consent Judgment in this proceeding:

1. Jurisdiction and venue are proper in this Court.
2. This dispute concerns the ownership rights held by the respective parties in certain sewer improvements, which include sewer pipes, manholes, and appurtenances that are not located on or under Plaintiff's Real Property (as defined below) (the "Sewer Improvements"), that make up a portion of the sanitary sewer system servicing the St. Joseph's Glen Subdivision in Alexander, Arkansas.

3. On March 2, 2022, in Case No. CV-21-42, the Arkansas Court of Appeals ruled that the sewer pipes are buried in the ground, and the manholes are affixed to the land. Therefore, the Court of Appeals ruled, the sewer improvements throughout the St. Joseph's Glen Subdivision (the "Subdivision") are fixtures upon real property, meaning the owners of fee title to the real property under which the sewer improvements are located likewise own those portions of the sewer improvements located upon and under the real property.

4. In accordance with this ruling by the Arkansas Court of Appeals, the Court hereby FINDS, ORDERS, RULES AND ADJUDGES:

(a) Title to those portions of the Sewer Improvements located upon and under the below described real property located in Saline County, Arkansas, including, but not limited to, the sewer treatment plant, pump station, facilities, equipment, lines, pipes, manholes and other appurtenances thereto, is owned by and hereby held in the name of Plaintiff St. Joseph's Utility Operating Company, LLC:

Part of the North Half of the Southwest Quarter of the Northeast Quarter and part of the North Half of the Northeast Quarter, Section 24, Township 1 South, Range 14 West, Saline County, Arkansas, being more particularly described as follows:

Beginning at the Southwest corner of the North Half of the Southwest Quarter of the Northeast Quarter, thence, along the West line of said Southwest Quarter of the Northeast Quarter, North 03 degrees 00 minutes 47 seconds East a distance of 369.65 feet to the Southerly Railroad Right of Way, thence, along said Right of Way, North 48 degrees 27 minutes 15 seconds East a distance of 1715.52 feet, thence North 48 degrees 10 minutes 15 seconds East a distance of 100.40 feet, thence North 47 degrees 41 minutes 15 seconds East a distance of 100.46 feet, thence North 47 degrees 04 minutes 15 seconds East a distance of 100.50 feet, thence North 46 degrees 27 minutes 15 seconds East a distance of 100.50 feet, thence North 45 degrees 52 minutes 18 seconds East a distance of 100.17 feet, thence, leaving said Right of Way, South 43 degrees 04 minutes 42 seconds East a distance of 101.12 feet to the westerly boundary line of Saint Joseph's Glen Subdivision thence along said boundary line, South 46 degrees 21 minutes 20 seconds West a distance of 187.88 feet, thence South 21 degrees 12

minutes 15 seconds West a distance of 163.75 feet, thence South 37 degrees 48 minutes 30 seconds West a distance of 371.99 feet, thence South 44 degrees 49 minutes 18 seconds West a distance of 55.88 feet, thence South 42 degrees 17 minutes 37 seconds West a distance of 98.30 feet, thence South 38 degrees 29 minutes 36 seconds West a distance of 71.51 feet, thence South 35 degrees 36 minutes 43 seconds West a distance of 56.04 feet, thence South 30 degrees 23 minutes 51 seconds West a distance of 130.44 feet, thence South 24 degrees 51 minutes 19 seconds West a distance of 35.96 feet, thence South 23 degrees 07 minutes 15 seconds West a distance of 94.50 feet, thence South 29 degrees 00 minutes 21 seconds West a distance of 53.58 feet, thence South 36 degrees 56 minutes 07 seconds West a distance of 92.03 feet, thence South 32 degrees 55 minutes 14 seconds West a distance of 77.49 feet, thence South 26 degrees 03 minutes 49 seconds West a distance of 62.57 feet, thence South 17 degrees 35 minutes 54 seconds West a distance of 86.99 feet, thence South 07 degrees 22 minutes 31 seconds West a distance of 66.34 feet, thence South 04 degrees 48 minutes 11 seconds West a distance of 227.51 feet, thence South 00 degrees 22 minutes 27 seconds West a distance of 142.57 feet to the South line of the North Half of the Southwest Quarter of the Northeast Quarter, thence, along said South line, North 89 degrees 31 minutes 19 seconds West to the Point of Beginning, containing 20.61 acres, more or less.

(“Plaintiff’s Real Property”), set forth in that certain Warranty Deed recorded in the real property records of the Saline County Circuit Clerk on November 7, 2017, as Instrument No. 2017-021150.

(b) All right, title, and interest to those portions of the Sewer Improvements located upon or under any real property owned by Separate Defendant Alexander Municipal Property Owners’ Multipurpose Improvement District No. 43 (“District 43”) is owned by and hereby held in the name of District 43. With respect to those Sewer Improvements owned by District 43, if any, District 43 shall be authorized to exercise authority over the Sewer Improvements as provided in the Municipal Property Owners’ Improvement District Law, Ark. Code Ann. §§ 14-94-101 – 14-94-128.

(c) All right, title, and interest to those portions of the Sewer Improvements located upon or under any real property owned by Separate Defendant Alexander

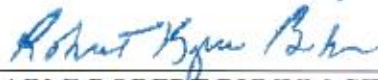
Municipal Property Owners' Multipurpose Improvement District No. 86 ("District 86") is owned by and hereby held in the name of District 86. This shall include all Sewer Improvements located upon or under those curb, gutter, street, and storm water drainage improvements owned by District 86 pursuant to that certain Quitclaim Deed recorded in the records of the Saline County Circuit Clerk on September 4, 2008, at Book 2008 Pages 078127 – 078130. With respect to those Sewer Improvements owned by District 86 as established herein, District 86 shall be authorized to exercise authority over the Sewer Improvements as provided in the Municipal Property Owners' Improvement District Law, Ark. Code Ann. §§ 14-94-101 – 14-94-128.

(d) All right, title, and interest to those portions of the Sewer Improvements located upon or under the common areas and appurtenances belonging thereto, within the Subdivision, including those sewer improvements located upon or under the platted streets, utility easements, rights of way, and appurtenances thereto, as such are designated in the Bill of Assurance Saint Joseph's Glen Subdivision, recorded in the records of the Saline County Circuit Clerk on February 3, 2004 at Book 2004 Page 008820 – 008827, is owned by and hereby held in the name of Separate Defendant St. Joseph's Glen Property Owners Association.

(e) The parties shall cooperate and execute and deliver such instruments necessary to effectuate the findings of the Court herein.

(f) This Consent Judgment may be recorded in the real property cords of the Saline County Circuit Clerk to evidence and record the ownership rights declared herein.

IT IS SO ORDERED.



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HONORABLE ROBERT BYNUM GIBSON, JR.

Approved for entry by:

/s/ Mark W. Hodge

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