

IN THE CIRCUIT COURT OF SEBASTIAN COUNTY, ARKANSAS
GREENWOOD DISTRICT
DOMESTIC RELATIONS DIVISION

CHARITY BEALLIS

PLAINTIFF

VS.

CASE NO. 66GDR-25-40 (III)

RANDALL BEALLIS

DEFENDANT

**AMENDED MOTION TO INTERVENE, SET ASIDE ORDER OF DISMISSAL, AND TO
ENTER DECREE OF DIVORCE "NUNC PRO TUNC"**

The Intervenor, John Randall Powell, for his Amended Motion to Intervene, Set Aside Order of Dismissal, and to Enter Decree of Divorce "Nunc Pro Tunc", and by and through his attorney, Mr. Wayland A. Parker, II, would petition the Court as follows:

1. That he adopts all of the matters set forth in his Motion to Intervene previously filed with the Court as if set forth word for word.
2. As set forth in his original Motion, it is the understanding of the Intervenor that the final hearing was held and the Court gave a bench order granting an absolute Decree of Divorce and providing for child custody and division of property and debts. That subsequently a request for emergency hearing was filed by Charity Beallis and hearing was scheduled for the same. That she did not show up for the hearing and a call was made to request a welfare check and she and the half siblings of Intervenor were found deceased at the homeplace.
3. The following day Randall Beallis, through his attorney, filed and asked the Court to enter an order dismissing the divorce with prejudice since the Decree of Divorce ordered by the Court had not been prepared and delivered to the Court prior to the death of Charity Beallis.

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4. That Randall Beallis did not serve such motion upon John Randall Powell or any other heir of Charity Beallis, and simply filed it with the Court and apparently presented a precedent to grant the motion. That the same was signed and electronically filed around 2:00 p.m. on December 8, 2025. That a letter from Mr. Wayland A. Parker, II, to the Court advising that there would be a Motion to Intervene filed and a request to enter the Divorce Decree as ordered by the Court Nunc Pro Tunc was electronically filed and should have been received by the Court about an hour later.

5. That John Randall Powell would ask the Court to enter an order setting aside the Order of Dismissal and have the case coordinator for the Court schedule a hearing on all pending motions herein after coordinating availability with attorney for Defendant and all parties. That John Randall Powell is electronically filing a proposed order that will set aside the order of dismissal and allow the parties to present the issues to the Court in due course. That John Randall Powell has ordered and requested a transcript of the bench order and any comments or statements that may have been made relevant thereto after the conclusion of the final divorce hearing.

6. That a Nunc Pro Tunc Order relates back to the date as to which the order should have been entered. Had the attorney for Defendant had a predrafted order ready on hand after the bench order of the Court, the Court would have signed the same immediately and would have been electronically filed and the parties would have been divorced at that point in time. That an entry of a Nunc Pro Tunc Order eight years after previously ordered has been held to not be barred by the statute of limitations. See *Liddell v. Bodenheimer, Landau & Co.*, 95 S.W. 475, 78 Ark. 364. The only requirement on a Nunc Pro Tunc Order is that the evidence be presented to sufficiently convince the Court as to what the Court had ordered. Certainly a transcript from the

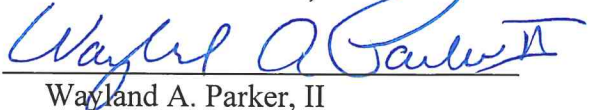
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hearing will set out word for word what the Court ordered and should be entered, and there should be no dispute or doubt about what the Court ordered and directed and would certainly be appropriate to enter a Decree of Divorce Nunc Pro Tunc. A "Nunc Pro Tunc" Order will not be made unless testimony is clear and decisive and when made, must reflect only what had been previously ordered and adjudged and not seek to correct any errors or omissions or to adjudge what should have been ordered but was not. See *Standley v. Whiteley*, 140 S.W.2d 699, 200Ark. 1190 (Ark.1940).

WHEREFORE, John Randall Powell, Intervenor, does ask the Court to enter an order setting aside the order dismissing the divorce with prejudice; that the Court enter a Nunc Pro Tunc Decree of Divorce reflecting the exact contents of what the Court ordered after final hearing; that the Court appoint him as the Administrator of the estate of his mother as requested in a separate filing in Probate Court; and for such other relief he may show himself entitled and premises.

Respectfully submitted,
John Randall Powell, Intervenor

By:



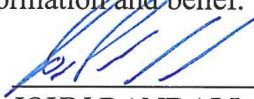
Wayland A. Parker, II
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Greenwood, AR 72936
(479) 996-2100

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VERIFICATION

STATE OF ARKANSAS)
) SS.
COUNTY OF SEBASTIAN)

Comes now JOHN RANDALL POWELL and after being duly sworn and on oath does state that he has read the above and foregoing pleading and that the facts and matters stated therein are true and correct to the best of his knowledge, information and belief.

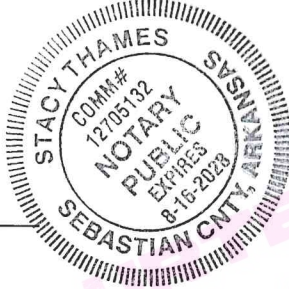


JOHN RANDALL POWELL

Subscribed and sworn to before me the undersigned Notary Public on this 9th day of December, 2025.


Notary Public

My Commission Expires:



CERTIFICATE OF SERVICE

I, Wayland A. Parker, II, do hereby certify that I have caused a true and correct copy of the foregoing pleading to be delivered by the Court's electronic filing system a copy on this ____ day of December, 2025, to the following:

Michael Pierce
Attorney at Law
Gean, Gean & Gean
511 Garrison Avenue
Fort Smith, AR 72901


Wayland A. Parker, II

WAP/dd

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LUNASHARK MEDIA: EMPOWERING
VICTIMS' VOICES THROUGH FOIA