

IN THE CIRCUIT COURT OF SALINE COUNTY, ARKANSAS
312 DIVISION

FILED
SALINE COUNTY
CIRCUIT CLERK
2012 APR -3 PM 4:06

DENNIS MILLIGAN

PLAINTIFF

VS.

CASE NO. 63CV-12-253-3

MARILYN MCDANIEL

DEFENDANT

COMPLAINT IN REPLEVIN

Comes the Plaintiff, Dennis Milligan, by and through counsel, and for his
Complaint in Replevin states:

1. Plaintiff seeks return of a single item of his personal property from Defendant.
2. Both parties are residents of Saline County, Arkansas.
3. This is a court of proper venue and jurisdiction to hear this matter.
4. Plaintiff is the Circuit Clerk of Saline County, Arkansas.
5. During his tenure as Clerk, Plaintiff sent an acquaintance a one page document using the fax machine in the Clerk's office.
6. Defendant is a former employee of the Saline County Circuit Clerk's office.
7. Plaintiff reasonably believes and therefore avers that while still working at the Clerk's office Defendant found this document on the fax machine, took it and has kept it through the date of filing of this complaint.
8. In an effort to regain possession of the document, which mentions a racing horse owned by Plaintiff, Plaintiff had a letter mailed to Defendant requesting its return. A copy of this letter is attached to this Complaint as

Exhibit A.

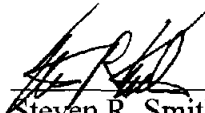


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DENNIS MILLIGAN VS MARILYN M 4 Pages
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9. Defendant has not returned the document; nor has she communicated with Plaintiff regarding his request for its return.
10. If, as Plaintiff believes and avers, Defendant found the document, she would reasonably have known it belonged to Plaintiff since his involvement in racing as a horse owner is known in the Clerk's office.
11. Until recently, Plaintiff believed the document had simply been lost at a time prior to Defendant's separation from the Clerk's office.
12. Plaintiff is entitled to the return of his property, in this case a document with virtually no monetary value but of sentimental value unique to Plaintiff.

WHEREFORE, Plaintiff prays Defendant be ordered to return his personal property at issue in this suit, for costs and fees to the extent proper in a replevin action and for all other just and proper relief.

Respectfully Submitted,



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March 22, 2012

Marilyn McDaniel
1603 McCurdy
Benton, AR 72019

RE: Property of Dennis Milligan

Dear Mrs. McDaniel,

Based on chatter in Saline County it appears you have a racing program that belongs to my client, Dennis Milligan. This program that I suspect you took off the office fax machine and kept was never yours. It has sentimental value to him and he would like it back. He thought it was lost and is relieved to know you probably have it.

By the way, when Dennis learned someone might be trying to make an issue out of this, he went to the county attorney and told him he had faxed something to a friend on the office fax machine. There is no secret and there is no issue. Consequently, there is no "gotcha moment" either.

Please return the program to me no later than four o'clock the afternoon of March 29.

Sincerely,



Steven R. Smith

Exhibit A

IN THE CIRCUIT COURT OF _____ CIRCUIT _____ COUNTY, ARKANSAS

63W-12-253-3

**NOTICE OF RIGHT TO CONSENT
TO DISPOSITION OF CASE BY A PILOT STATE DISTRICT COURT JUDGE**

In accordance with the provisions of Act 663 of 2007 and Administrative Order Number 18, you are hereby notified that upon the consent of all the parties in a case, a Pilot State District Court Judge may be authorized to conduct all proceedings, including trial of the case and entry of a final judgment. Copies of appropriate consent forms are available from the Circuit Clerk.

You should be aware that your decision to consent or not to consent to the disposition of your case before a Pilot State District Court Judge is entirely voluntary, **and by consenting to the reference of this matter to a Pilot State District Court Judge, the parties waive their right to a jury trial and a verbatim record of the proceedings**, and any appeal in the case shall be taken directly to the Arkansas Supreme Court or Court of Appeals as authorized by law.

You should communicate your consent by completing the Form -- **CONSENT TO PROCEED BEFORE A PILOT STATE DISTRICT COURT JUDGE** -- and return to the Circuit Clerk.

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