

**IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS
CIVIL DIVISION**

**JONATHAN MCJUNKINS and
DANYELLE MCJUNKINS, TRUSTEES OF
THE MCJUNKINS FAMILY TRUST
U/A dated May 4, 2023**

PLAINTIFFS

V. CASE NO: 04CV-25-

**W C & ASSOCIATES INC. and
WALTER MARTINEZ**

DEFENDANTS

**COMPLAINT AT LAW and REQUEST FOR INJUNCTIVE RELIEF WITH REQUEST
FOR EMERGENCY HEARING FOR ISSUANCE OF TEMPORARY RESTRAINING
ORDER**

Comes now Jonathan McJunkins and Danyelle McJunkins, Trustees of The McJunkins Family Trust U/A dated May 4, 2023 (hereinafter the "Plaintiffs") and for their Complaint and request for injunctive relief against the Defendant, W C & Associates (hereinafter "W C") and Walter Martinez (hereinafter "Walter") state:

1. Plaintiffs file suit seeking injunctive relief against Defendants with regard to lands adjacent to Plaintiffs and request that the Court sets that this matter for an emergency hearing on the issue of whether or not to enter a temporary restraining order pendente lite due to Defendants operating an office, shop, dump truck service building, and an illegal mining and dumping operation.

2. In addition to injunctive relief, Plaintiffs seek restoration damages with alternative claims for damages under private nuisance, trespass, and negligence involving real property situated in Lowell, Benton County, Arkansas.

3. Plaintiffs own and reside at property located at 4389 Luper Road, Lowell, Arkansas (hereinafter the "Plaintiffs' Parcel")

4. W C owns two parcels of land (Benton County Parcel Number 15-16384-000 and 15-163385-001) (hereinafter "Defendant's Parcel") lying south of the Plaintiffs' Parcel.

5. W C is an Arkansas for profit corporation that may be served by and through its registered Agent Maria Gomez Martizez at 903 N. B Street, Rogers, Arkansas 72756, or through its Vice President, Walter.

6. Walter is a resident of 5475 Colvin Place, Lowell, Benton County, Arkansas, and serves as the principal operating officer of W C.

7. Plaintiffs' Parcel and Defendant's Parcel are labeled and depicted on Exhibit A attached hereto.

8. W C's vesting deeds are attached hereto collectively as Exhibit B

9. Plaintiffs' vesting deed is attached as Exhibit C.

10. Plaintiffs request that the Court enter a temporary restraining order, pendente lite, and for a permanent injunction upon final adjudication against the Defendant, prohibiting any illegal mining, dumping, and excessive noise and dust caused by Defendant's continuous history of illegal operations.

11. The Plaintiffs also request that the Court enter an order setting this matter for a hearing as expeditiously as possible on the Plaintiffs request for a temporary injunction pendente lite. Plaintiffs attach hereto the affidavit of the Separate-Plaintiff, Jonathan McJunkins as Exhibit D, which is incorporated herein by reference in support of their request for a hearing on Plaintiffs request for temporary restraining order.

12. This Court has jurisdiction of the parties and subject matter hereto and venue is proper.

FACTUAL HISTORY

13. In October of 2022, Billy Bob Webb sold the Defendant's Parcel to WC.

14. Thereafter, Walter as Chief Officer of WC started illegally stripping topsoil and other material from the Defendant's Parcel.

15. That Walter and W C have continuously operated at unusual hours operating heavy equipment, hauling dirt out of Defendant's parcel, dumping all manner of items, including barrels with petroleum and other toxic products and burying same, causing excessive noise and dust at all hours of the day and night, and have maintained said conduct for such a period of time and frequency as to constitute a nuisance.

16. The dumping of waste products without proper containment threatens the health and welfare of Plaintiffs and other adjacent landowners.

17. That W C and Watler have been sued by the Benton County Planning Board and Benton County for maintaining a nuisance (Benton County 04CV-25-158), wherein an Agreed Order prohibiting certain conduct was entered.

18. Plaintiffs state that both Defendants continue to cause excessive noise, stir up dust, and dump and bury all manner of items against Plaintiffs peace and dignity.

COUNT I. TEMPORARY NUISANCE

19. That the Plaintiffs incorporate the preceding allegations set forth above into this Count.

20. Plaintiffs state that the Defendants' conduct aforementioned adjacent to the Plaintiffs' Parcel creates a substantial and unusual interference with the Plaintiffs' use and enjoyment of their residence and threatens the value of same.

21. Plaintiffs state that this has been an ongoing problem for several years and the Defendants have failed to terminate the nuisance.

22. Plaintiffs state they are entitled to injunctive relief from the Court enjoining the nuisance.

23. Plaintiffs further state that they are entitled to damages equal to the depreciation of the property during the time of the nuisance up to the time of trial, as well as the cost of restoring the value of the Plaintiffs' Parcel through remediation of the W C's lands so as to not continue to be an environmental hazard.

24. Plaintiffs state they are entitled to special damages representing compensation for loss of use of their Residence from the time the damage began to accrue until the time the land be restored or repaired to its original condition, and that the Plaintiffs are entitled to a separate element of damage for the inconvenience, discomfort, annoyance and fright that may accompany the actual repair and remediation process pursuant to the holding in *Felton Oil Company v. Gee* 357 Ark. 421 (2004).

25. Further, Plaintiffs state they are entitled to compensation for funds spent in an effort to alleviate or correct the harm to their property.

COUNT II. TRESPASS

26. Plaintiffs incorporate the preceding allegations set forth above into this count as if set forth word for word.

27. Plaintiffs state that the Defendants' actions, namely Walter as chief operating officer of W C by causing dust and excessive noise, along with noxious chemicals towards the Plaintiffs' Parcel constitutes an ongoing trespass as same persists to date.

28. Plaintiffs state that they are entitled diminution in value of the Plaintiffs' Parcel; for special damages for annoyance pursuant to *Felton Oil Co. v. Gee* case; for injunctive relief enjoining the continued repeated trespasses; and for punitive damages for the Defendant's willful and wanton conduct, all in an amount in excess of that required for diversity jurisdiction.

COUNT III. INJUNCTIVE RELIEF

29. Plaintiffs incorporate the preceding allegations set forth above into this count as if set forth word for word.

30. Plaintiffs state that the repeated trespass as laid out above by Defendants, which has ripened into a private nuisance has in fact caused damage to the Plaintiffs' Parcel, which is substantial in nature, non-speculative, and it is certain to continue in the future.

31. Plaintiffs state that they are entitled to a temporary restraining order pendete lite, and a permanent injunction upon final adjudication pursuant to Rule 65 of the Arkansas Rules of Civil Procedure.

32. Plaintiffs state that due to the unique nature of land, equity in Arkansas has been inclined to grant injunctive relief for continuing trespasses and nuisances.

33. Plaintiffs request that the Court enter an order setting this matter for a hearing on Plaintiffs request for a temporary restraining order pendente lite.

34. Plaintiffs further request the Court enter a permanent injunction enjoining and restraining the Defendants from continuing with the conduct complained of upon final adjudication of this matter.

COUNT IV. NEGLIGENCE

35. Plaintiffs incorporate the preceding allegations set forth herein above into this Count IV.

36. Alternatively, Plaintiffs state that should the Court find injunctive relief is not available to Plaintiffs, Plaintiffs state that the Defendants owed a duty to the Plaintiffs not to operate a business on the Defendant's Parcel that would cause harm to the Plaintiff's Parcel.

37. Plaintiffs state that the Defendants have failed to do what a reasonably prudent person would do and have thus breached their duty to the Plaintiffs, said breach having proximately caused Plaintiffs to sustain damages such as loss of value, fear, fright and annoyance from noxious odors, hazardous chemicals, and annoying sounds and dust.

38. Plaintiffs state that as a proximate cause of the negligence of the Defendants, Plaintiffs are entitled to recover compensatory damages in an amount that exceeds that required for diversity jurisdiction as an alternative prayer for relief.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray for judgment and relief as follows:

- a. For temporary relief enjoining and restraining the Defendants' unreasonable conduct;
- b. For an expeditious hearing on the Plaintiffs request for temporary relief;
- c. For a permanent injunction enjoining and restraining the Defendants from continuing with illegal dumping, excessive noise and dust, and the unlawful spreading of hazardous chemicals;
- d. Alternatively for damages under theories of nuisance, trespass, and negligence as requested above; and

e. All other relief the Court would deem Plaintiffs entitled.

RESPECTFULLY SUBMITTED,
JONATHAN MCJUNKINS and
DANYELLE MCJUNKINS, TRUSTEES OF
THE MCJUNKINS FAMILY TRUST
U/A dated May 4, 2023, Plaintiffs

By: /s/ Rick Woods
Rick Woods ABA#95032
MYERS & WOODS LAW FIRM, PLLC
4392 N. Waterside Court
Fayetteville, Arkansas 72703
(479) 485-0500 Phone
rwoods@myerswoodslaw.com

VERIFICATION

STATE OF ARKANSAS

)

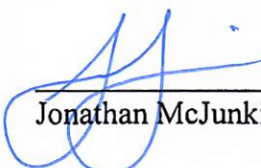
COUNTY OF Washington

) SS

)

I, Jonathan McJunkins, have reviewed the foregoing Complaint and hereby state that the facts contained therein are true and correct to the best of my present knowledge, information, and belief.

In witness whereof, I have here and in to set my hand this 15th day of November 2025.

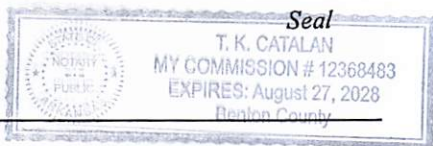

Jonathan McJunkins

ACKNOWLEDGMENT

Subscribed and sworn before me, the undersigned Notary Public, within and for the above county and state on November 15th 2025.


Notary Public

My commission expires:

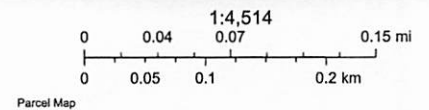




October 22, 2025

ParcelPopUps

Exhibit A





QUITCLAIM DEED

(married persons)

KNOW ALL MEN BY THESE PRESENTS:

That we, **Billy Bob Webb and Kimberly Webb, a married couple**, hereinafter called "Grantors", for good and valuable consideration in hand paid by **W C & Associates Incorporated**, hereinafter called Grantee(s), the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto **W C & Associates Incorporated**, and Grantee(s) heirs, successors and/or assigns, all of our right, title and interest in and to the following described land situated in **Benton** County, State of **Arkansas**, to-wit:

Exhibit A Attached

Subject to easements, rights-of-way, and protective covenants of record, if any. Subject to all prior mineral reservations and oil and gas leases, if any.

TO HAVE AND TO HOLD the said lands and appurtenances thereunto belonging unto the said Grantee(s) and Grantee(s) heirs, successors and/or assigns, forever.

AND we, **Billy Bob Webb and Kimberly Webb, a married couple**, for and in consideration of the sum of money, do hereby release and relinquish unto the said Grantee(s) all our rights of curtesy, dower and homestead in and to the said lands.

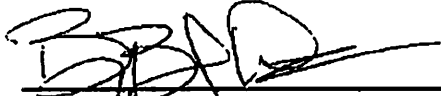
WITNESS our hands and seals on this 5th day of October, 2022

Natural State Title File #: _____

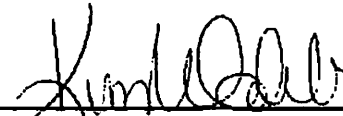
Prepared by: Katherine M. Sager, Esq.

Sager Law Firm, P.A. P.O. Box 8212, Fayetteville, AR 72703





Billy Bob Webb



Kimberly Webb

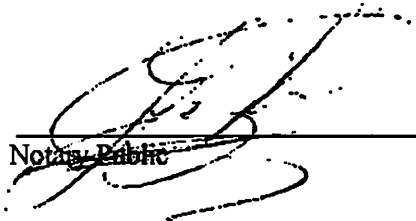
ACKNOWLEDGMENT

STATE OF Arkansas)
)ss.
COUNTY OF Washington)

On this the 5th day of October, 20 22, before me, a Notary Public, personally appeared **Billy Bob Webb and Kimberly Webb**, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they had executed the same for the consideration and purposes therein set forth.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires:



Notary Public

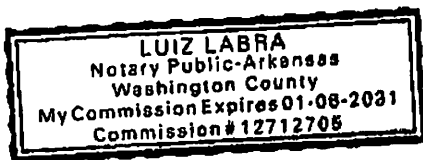


Exhibit A

Tract 1C

Part of Tracts 5 and 6, The Rocking "W" Ranch Addition, same being a part of the Southeast Quarter of the Northeast Quarter of Section 21, Township 18 North, Range 29 West, Benton County, Arkansas being more particularly described as follows:
Commencing at an existing rebar marking the Northeast Corner of the Southwest Quarter of the Northwest Quarter of Section 22. Thence along the East line of said Forty, South 01 degrees 59 minutes 44 seconds West, 1,311.76 feet to an existing rebar marking the Southeast Corner of the Southwest Quarter of the Northwest Quarter of Section 22. Thence along the South line of said Forty, North 87 degrees 05 minutes 29 seconds West, 1,311.33 feet to an existing fence post marking the Southeast Corner of the Southeast Quarter of the Northeast Quarter of Section 21. Thence along the South line of the Northeast Quarter of Section 21, North 87 degrees 24 minutes 43 seconds West, 1,366.81 feet to an existing rebar on the East right of way line of Luper Road. Thence leaving the South line of the Southwest Quarter of the Northeast Quarter of Section 21 and along said right of way line the following bearings and distances: North 35 degrees 40 minutes 32 seconds East, 290.38 feet. North 32 degrees 57 minutes 47 seconds East, 123.43 feet. North 29 degrees 52 minutes 53 seconds East, 357.57 feet to a set rebar with cap and the Point of Beginning. Thence continuing along said right of way line the following bearings and distances: North 29 degrees 52 minutes 53 seconds East, 11.07 feet. North 30 degrees 22 minutes 28 seconds East, 242.99 feet to a set rebar with cap. Thence leaving said right of way line, South 72 degrees 23 minutes 08 seconds East, 524.99 feet to a set rebar with cap. Thence South 29 degrees 20 minutes 10 seconds West, 253.09 feet to a set rebar with cap. Thence North 72 degrees 23 minutes 08 seconds West, 529.59 feet to the Point of Beginning, containing 3.00 acres and subject to any Easements of Record.

L202269744.004



CERTIFICATE OF RECORD
STATE OF ARKANSAS, COUNTY OF BENTON
I hereby certify that this instrument was
Filed and Recorded in the Official Records
in Doc Num L202269744
11/01/2022 04:12:14 PM
Brenda DeShields
BENTON COUNTY Circuit Clerk & Recorder

**WARRANTY DEED***(married persons)*

KNOW ALL MEN BY THESE PRESENTS:

That we, **Billy Bob Webb and Kimberly Diane Webb**, husband and wife, hereinafter called "Grantors", for good and valuable consideration in hand paid by **W C & Associates Incorporated**, hereinafter called Grantee(s), the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto **W C & Associates Incorporated**, and Grantee(s) heirs, successors and/or assigns, all of our right, title and interest in and to the following described land situated in **Benton County, State of Arkansas**, to-wit:

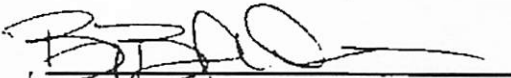
Exhibit A Attached

Subject to easements, rights-of-way, and protective covenants of record, if any. Subject to all prior mineral reservations and oil and gas leases, if any.

TO HAVE AND TO HOLD the said lands and appurtenances thereunto belonging unto the said Grantee(s) and Grantee(s) heirs, successors and/or assigns, forever. And we, the said Grantors, hereby covenant that we are lawfully seized of said land and premises, that the same is unencumbered, and that we will forever warrant and defend the title to the said lands against all claims whatever.

AND we, **Billy Bob Webb and Kimberly Diane Webb**, husband and wife, for and in consideration of the sum of money, do hereby release and relinquish unto the said Grantee(s) all our rights of curtesy, dower and homestead in and to the said lands.

WITNESS our hands and seals on this 5th day of October, 2022.


 Billy Bob Webb


 Kimberly Diane Webb

Natural State Title File #: _____

Prepared by: Katherine M. Sager, Esq.

Sager Law Firm, P.A. P.O. Box 8212, Fayetteville, AR 72703

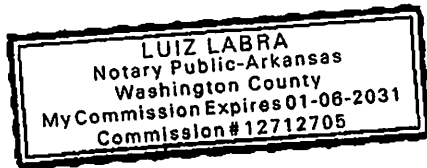
ACKNOWLEDGMENT

STATE OF Arkansas)
)ss.
COUNTY OF Washington)

On this the 5th day of October, 2022, before me, a Notary Public, personally appeared **Billy Bob Webb and Kimberly Diane Webb**, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they had executed the same for the consideration and purposes therein set forth.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires:



A handwritten signature in dark ink, appearing to be "L. Labra", is written over the printed words "Notary Public" which are part of the notary's line of text.

After recording, please return to:
Natural State Title, LLC
4700 S. Thompson Street, Suite B-104
Springdale, AR 72764

Natural State Title File #: _____
Prepared by: Katherine M. Sager, Esq.
Sager Law Firm, P.A. P.O. Box 8212, Fayetteville, AR 72703

Exhibit A:

Part of Tract 5, The Rocking "W" Ranch Addition, same being a part of the East Half of the Northeast Quarter of Section 21 and part of the of the Southwest Quarter of the Northwest Quarter of Section 22, all in Township 18 North, Range 29 West, Benton County, Arkansas being more particularly described as follows:

Beginning at an existing rebar marking the Northeast Corner of the Southwest Quarter of the Northwest Quarter Section 22. Thence along the East line of said Forty, South 01 degrees 59 minutes 44 seconds West, 719.32 feet to a set rebar with cap. Thence leaving said East line, North 60 degrees 44 minutes 59 seconds West, 458.87 feet to a set rebar with cap. Thence South 83 degrees 30 minutes 04 seconds West, 142.22 feet to a set rebar with cap. Thence South 73 degrees 45 minutes 37 seconds West, 54.77 feet to a set rebar with cap. Thence North 64 degrees 18 minutes 12 seconds West, 60.30 feet to a set rebar with cap. Thence South 86 degrees 06 minutes 11 seconds West, 58.08 feet to a set rebar with cap. Thence North 76 degrees 24 minutes 18 seconds West, 79.23 feet to a set rebar with cap. Thence South 82 degrees 50 minutes 48 seconds West, 209.25 feet to a set rebar with cap. Thence South 54 degrees 03 minutes 10 seconds West, 35.20 feet to a set rebar with cap. Thence South 74 degrees 52 minutes 02 seconds West, 66.55 feet to a set rebar with cap. Thence North 79 degrees 22 minutes 31 seconds West, 33.81 feet to a set rebar with cap. Thence North 49 degrees 29 minutes 32 seconds West, 32.63 feet to a set rebar with cap. Thence North 61 degrees 14 minutes 39 seconds West, 75.13 feet to a set rebar with cap. Thence South 86 degrees 13 minutes 37 seconds West, 55.34 feet to a set rebar with cap. Thence North 75 degrees 19 minutes 12 seconds West, 53.39 feet to a set rebar with cap. Thence North 22 degrees 52 minutes 31 seconds West, 7.21 feet to a set rebar with cap. Thence North 80 degrees 01 minutes 11 seconds West, 15.49 feet to a set rebar with cap. Thence South 79 degrees 41 minutes 11 seconds West, 59.42 feet to a set rebar with cap. Thence North 78 degrees 29 minutes 47 seconds West, 23.83 feet to a set rebar with cap. Thence North 58 degrees 08 minutes 55 seconds West, 68.56 feet to a set rebar with cap. Thence North 77 degrees 16 minutes 24 seconds West, 43.63 feet to a set rebar with cap. Thence South 62 degrees 19 minutes 55 seconds West, 21.49 feet to a set rebar with cap. Thence North 58 degrees 35 minutes 55 seconds West, 34.64 feet to a set rebar with cap. Thence North 79 degrees 49 minutes 51 seconds West, 53.38 feet to a set rebar with cap. Thence South 29 degrees 20 minutes 10 seconds West, 73.06 feet to a set rebar with cap. Thence North 72 degrees 23 minutes 08 seconds West, 524.99 feet to a set rebar with cap on the East right of way line of Luper Road. Thence along said right of way line the following bearings and distances: North 30 degrees 22 minutes 28 seconds East, 372.85 feet. North 21 degrees 53 minutes 06 seconds East, 191.87 feet. Thence leaving said right of way line, South 77 degrees 52 minutes 42 seconds East, 289.33 feet to an existing rebar. Thence South 80 degrees 12 minutes 58 seconds East, 325.84 feet to an existing rebar marking the Northwest Corner of the Southwest Quarter of the Northwest Quarter of Section 22. Thence along the North line of said Forty, South 86 degrees 58 minutes 02 seconds East, 1,315.51 feet to the Point of Beginning, containing 26.65 acres and subject to any Easements of Record. Being Tract 1A of Survey recorded as Instrument L202252033.

Natural State Title File #: _____

Prepared by: Katherine M. Sager, Esq.

Sager Law Firm, P.A. P.O. Box 8212, Fayetteville, AR 72703



STATE OF ARKANSAS
DEPARTMENT OF FINANCE AND ADMINISTRATION
MISCELLANEOUS TAX SECTION
P.O. BOX 896, LITTLE ROCK, AR 72203-0896

Real Estate Transfer Tax Stamp

Proof of Tax Paid



File Number: 22-3189

Grantee: W C & ASSOCIATES INCORPORATED
Mailing Address: PART OF TRACTS 5 & 6, ROCKING W RANCH ADDITION
LOWELL AR 727450000

Grantor: BILLY BOB WEBB AND KIMBERLY DIANE WEBB
Mailing Address: 2785 LUPER RD
LOWELL AR 727450000

Property Purchase Price: \$572,000.00
Tax Amount: \$1,887.60
County: BENTON
Date Issued: 10/21/2022
Stamp ID: 1131501568

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument

Grantee or Agent Name (printed): 4700 S. Thompson St.
Grantee or Agent Name (signature): Ste. B 105 Date: _____
Address: Springdale, AR 72764
City/State/Zip: _____

A logo for "NATURAL STATE TITLE" featuring a stylized outline of the state of Arkansas.

L202269742 .005



CERTIFICATE OF RECORD
STATE OF ARKANSAS, COUNTY OF BENTON
I hereby certify that this instrument was
Filed and Recorded in the Official Records
in Doc Num L202269742
11/01/2022 04:12:12 PM
Brenda DeShields
BENTON COUNTY Circuit Clerk & Recorder

L202414335
BENTON CO. AR FEE \$25.00
PRESENTED & E-RECORDED
03/26/2024 03:00:31 PM
BRENDA DESHIELDS
Circuit Clerk & Recorder

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS:

That we, **Jonathan McJunkins, a married person, joined by spouse, Danyelle McJunkins**, herein called Grantors, for and in consideration of the sum Ten Dollars (\$10.00) and other good and valuable consideration in hand paid by Grantees, the receipt of which is hereby acknowledged, do hereby grant, convey, and quit claim unto **Jonathan McJunkins and Danyelle McJunkins, Trustees of The McJunkins Family Trust, u/a dated May 4, 2023**, herein called Grantees, and unto their successors and assigns forever, all of our right, title, interest, equity, and estate in and to the following described property in Benton County, Arkansas:

See attached Exhibit "A" for legal description

Subject to covenants, easements, rights-of-way, and other restrictions of record, if any. Subject to all prior mineral reservations and oil and gas leases.

To have and to hold the same unto the said Grantees, and their successors and assigns forever, along with all tenements, appurtenances, and hereditaments thereunto belonging.

And we, **Jonathan McJunkins and Danyelle McJunkins**, husband and wife, do hereby waive and relinquish all of our rights to dower, curtesy, and homestead in and to the said lands.

PREPARED BY:

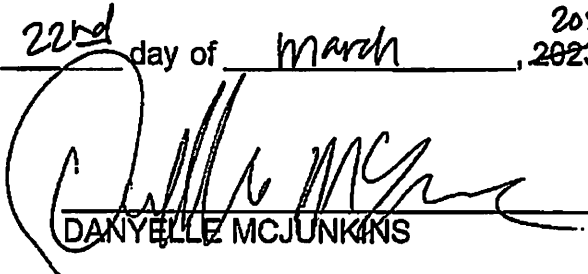
Watkins, Boyer, Gray & Curry, PLLC
Attorneys At Law
1106 West Poplar Street
Rogers, AR 72756
479-636-2168

MAIL TAX STATEMENT TO:



WITNESS our hands and seals this 22nd day of March, ²⁰²⁴~~2023~~.


JONATHAN MCJUNKINS


DANYELLE MCJUNKINS

ACKNOWLEDGMENT

STATE OF Arkansas)
COUNTY OF Washington) ss

ON THIS DAY before the undersigned, a Notary Public, duly qualified and acting in and for the County and State aforesaid, personally appeared **Jonathan McJunkins**, a married person, joined by spouse, **Danyelle McJunkins**, to me well known as the Grantors in the foregoing Quit Claim Deed, and stated that they had executed the same for the consideration and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 22nd day of March, ~~2023~~ ²⁰²⁴

My Commission Expires:
08/04/2024


NOTARY PUBLIC

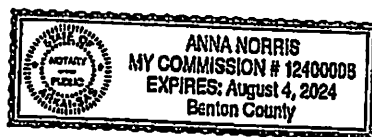


EXHIBIT "A"

Tract 4 of the Rocking "W" Ranch Addition, Benton County, Arkansas as shown in Plat Record 2004 at Pages 89 and 90, and as revised in Plat Record 2004 at Pages 161 and 162, subject to covenants, easements and rights of way of record.

And

A part of tract three (3), the Rocking "W" Ranch Addition, Benton County, Arkansas, being more particularly described as follows: Beginning at the Northeast corner of said tract three (3), said point being the Northeast corner of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section Twenty-Two (22), Township Eighteen (18) North, Range Twenty-Nine (29) West of the Fifth Principal Meridian; thence S02°00'10"W 655.90 Feet to an existing iron rebar at the Southeast Corner of said tract three (3); thence N86°50'27" W 1717.12 feet to an existing iron rebar at the Southwest Corner of said tract three (3), said point being on the East right-of-way line of Luper Road; thence N21°45'52"E 451.67 feet along said right-of-way line to a point from which an existing fence post bears S77°42'04"E 5.92 feet; thence leaving said right-of-way line, S77°42'04"E 257.98 feet along an existing fence to a set ½" iron rebar; thence N77°21'51"E 142.18 feet along said fence to a nail set in a wood fence corner post; thence S86°50'32"E 187.53 feet to a set ½" iron rebar; thence N01°36'01"E 230.04 feet to a set ½" iron rebar on the North line of said tract three (3); thence S86°50'32"E 987.09 feet to the point of beginning, containing 21.08 acres, more or less.

L202414335.004



**CERTIFICATE OF RECORD
STATE OF ARKANSAS, COUNTY OF BENTON**
I hereby certify that this instrument was
Filed and Recorded in the Official Records
in Doc Num L202414335
03/25/2024 03:00:31 PM
Brenda DeShields
BENTON COUNTY Circuit Clerk & Recorder



4. Since April of 2022, Walter Martinez (“Walter”) who is well-known to me is the Chief Operating Officer and hands on manager of WC.

5. Since April of 2022, Walter, Billy Bob Webb, and Lance Shook engaged in mining red dirt on WC’s Parcel.

6. Since April of 2022, Walter has been involved in having equipment operating on WC’s Parcel, which WC took ownership of from Billy Bobb Webb in or about October of 2022.

7. The site has progressed to having a giant hole from dirt excavation.

8. The site has been subject to an Arkansas Department of Environment investigation, unrestrained fires for which the Hickory Creek Fire Department has been called and an injunction has been issued by the Benton County government against Walter and WC for the operations at WC’s Parcel said case being assigned Benton County Circuit Court Case No. 04CV-25-158 for which an Agreed Order Granting Preliminary Injunction was issued on the 27th day of February, 2025.

9. Despite the Hickory Creek Fire Department having to put out fires ranging from grass fires to burning tires, the Arkansas Department of Environmental Quality investigations and the Benton County, Arkansas government’s preliminary injunction against the Defendants, the Defendants have persisted since April of 2022 to the current date in operating heavy equipment, firing weapons, excavating, burning, hauling, refueling, and trucking with semi-tractor trailer rigs on an excessive and intolerable basis.

10. I and my family live at the Trust Property and have had to endure massive clouds of dusts and noise on a continuing basis.

11. The Trust Property has had to endure sediment runoff into springs located on Trust Property.

12. At various times the Defendants have dumped sewage which has emanated an overpowering smell towards the Trust Property.

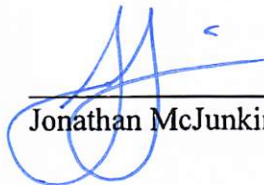
13. That the Defendants have caused tracking out of large rocks and chunks of red dirt from WC's Property, which in one instance caused my vehicle to suffer a flat tire from the debris.

14. That the Defendants continue to run large commercial excavation tractors and trucks commencing before daylight and continuing after dark and on weekends with extremely loud throttling of engines, hammering, and in some instances gun fire that are extremely loud and intolerable.

15. That the WC Parcel is unsightly, is not well-managed, and has no reasonable screening to obscure the unsightly nature of WC's Property.

16. That no reasonable person with reasonable sensibilities should be required to endure the smells, sounds, noises, and sites that the Defendants have imposed upon me and my family for the past three and one-half (3 ½) years.

Further Affiant sayeth not.



Jonathan McJunkins

ACKNOWLEDGEMENT

STATE OF ARKANSAS

COUNTY OF

Washington

SS

Subscribed and sworn before me, the undersigned Notary Public, within and for the above
County and State, this 10th day of November, 2025.

Ik Catulan

Notary Public

My commission expires:

