




## M E M O R A N D U M

**TO:** Mayor Scott and Members of the Board of Director

**FROM:** Thomas M. Carpenter   
City Attorney

**Re:** *Borne v. City of Little Rock*, No. 60CV-21-6690, Pulaski Circuit [12th]  
-- Recommendation for litigation

**DATE:** 13 JUNE 2023

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The time has come to resolve this litigation. This memorandum outlines my thinking to see if you agree with this approach.

The Pulaski Circuit Court recently dismissed the Foundation for the Arkansas Museum of Fine Arts from this litigation. The remaining defendants are the City, and the Arkansas Arts Center Board of Trustees. The Foundation owns the collection displayed at the Museum. The Trustees, appointed by the Board of Directors, oversee the City's interests in the property. Hence, the City is the only remaining defendant in this matter in reality.

The litigation contends that the property should revert to the grantors because it has not been appropriately maintained. Effectively, the property has already reverted. At this juncture, it appears that the plaintiffs are about to file a motion for summary judgment.

It is appropriate for the City simply to enter a pleading that admits the reverter and returns the property to the plaintiffs. At one point, the City set aside five hundred thousand dollars (\$500,000.00) for renovation or rehabilitation of the structure. Whether or how to make those funds available is a policy question for the Board of Directors. If the funds are not used for that purpose within a reasonable period of time – e.g., one year – then, the money could revert to the City. This is how this office intends to proceed until directed otherwise by the Board of Directors.

TMC:ct

cc. Emily Box, Assistant City Manager  
Reed Edwards, Chief Deputy City Attorney  
Debbie Wisdom, Executive Legal Manager