

Exhibit E

IN THE CIRCUIT COURT OF BENTON COUNTY
CIVIL DIVISION

FILED

TUCKER ABSTRACT COMPANY

'03 APR 24 AM 10:50
PLAINTIFF

v.

CASE NO. E-99-1833-1

BRENDA DESHIELDS
CLERK AND RECORDER
BENTON COUNTY, AR

FLEMING COMPANIES, INC.

DEFENDANT

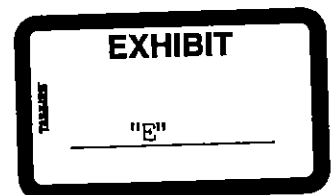
SECOND NOTICE OF APPEAL

1. Tucker Abstract Company filed its first Notice of Appeal on 4 February 2003. Tucker believes that notice was proper and timely. Out of an abundance of caution, however, Tucker files this second notice now that the Court has decided the pre-judgment interest, costs, and attorney's fee issues.

2. Tucker notifies this Court and the defendant that it appeals from this Court's judgment in favor of Fleming Companies, Inc., as embodied in this Court's orders filed on 8 January 2003 and 22 April 2003. Tucker also appeals from the Court's findings of fact and conclusions of law, all of which were proposed by Fleming, adopted by the Court unchanged, and attached to and incorporated in the Court's January 8th order. Tucker also appeals from all of this Court's rulings that shaped the Court's judgment, including all rulings before and during the September 2002 trial.

3. Tucker has ordered a complete transcript of the September 2002 trial, and made financial arrangements with the court reporter for that transcript.

4. Tucker designates the complete Circuit Court record -- including all the evidence presented at the September 2002 trial, transcripts of all hearings and



testimony, and all pleadings, papers, and rulings filed with the circuit clerk through this second notice of appeal -- as the record on appeal.

5. There have been two prior appeals in this case. The certified original records filed with the Court of Appeals by Fleming in those cases remain at the Court of Appeals. Tucker designates those records as part of the record for this appeal. There is, however, no need for the circuit clerk to re-copy or re-certify the materials in those records. ASCTR 3-1(e) (record on second appeal).

6. Tucker requests the circuit clerk to begin her certified record for this appeal with the May 2002 mandate of the Court of Appeals to the circuit court in this case, ASCTR 3-1(e), and include all materials in the record filed after remand through and including this second notice of appeal.

7. Although this appeal should be filed in the Arkansas Court of Appeals, the Arkansas Supreme Court should hear and decide this case. It involves significant issues of Arkansas law that need clarification and issues of substantial public interest regarding the obligations of closing agents in Arkansas. ASCTR 1-2(b)(4)-(5).

Respectfully submitted,

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Attorneys for Tucker Abstract Company

CERTIFICATE OF SERVICE

I served this pleading by mailing a copy of it (by certified mail, return receipt requested) to:

Mark H. Allison
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37th Floor, 425 W. Capitol Avenue
Little Rock, AR 72201

Xollie Duncan
Circuit Judge
309 Courthouse
102 N. E. A Street
Bentonville, AR 72712

on 23 April 2003, and by faxing a copy of it to Mr. Allison at (501) 375-6484 and e-mailing it to him at mallison@ddh-ar.com on April 23rd too.



D. P. Marshall Jr.