



## John P. Talbot

### Counsel

**Email:** jtalbot@mwlaw.com

**Phone:** (870) 938.6255

**Fax:** (870) 938.6276

### Practice Areas

Agriculture  
Appellate  
Bankruptcy and Debtor-Creditor Relations  
Commercial Litigation  
Real Estate Litigation  
Trust, Estate and Fiduciary Litigation  
Construction Litigation

### Education

University of Arkansas School of Law  
J.D., with honors - (1997)  
  
Westminster College  
B.A. - (1993)

### Bar Admissions

Arkansas

Jack Talbot has extensive experience as a trial lawyer with a focus on business law, agriculture and real estate. He assists agribusinesses, landowners, lenders and other commercial clients with litigation in matters of contract, finance, leasing and landlord/tenant issues, title, boundary and easement disputes, bankruptcy, foreclosure and open account disputes and business torts. He provides regulatory counsel and litigation services to farm operators and landowners in contested farm program matters before the United States Department of Agriculture (USDA) and its member agencies, most frequently the Farm Service Agency (FSA) and the Natural Resources Conservation Service (NRCS). He also represents individuals, families and fiduciaries in disputes involving wills, trusts and gifts and the administration of trusts and estates.

### Experience

- Extensive experience representing individual and corporate clients in wide range of commercial, real estate, contract and bankruptcy disputes.
- Counsels and assists local and absentee landowners, farming partnerships, input suppliers and crop lenders in both litigated and non-litigated operational matters.
- Represents parties in disputes involving probate estates, wills and trusts.
- Represents farming partnerships and other participants in contested farm program matters before FSA, NRCS and USDA's National Appeals Division (NAD).
- Advocates and assists farming partnerships and other participants with reviews and adverse agency determinations under the commodity and conservation titles of the farm bill, including mediations, reconsiderations and administrative trials and appeals with county and state committees and USDA-NAD.
- Counsels large self-insured clients, primarily in the paper and timber industries, in the area of worker's compensation defense.

### Representative Experience

- Successful enforcement of landlord's crop lien on behalf of agricultural investment company

in priority dispute with multiple claimants and lienholders from multiple crop years. *Agrifund, LLC et al v. Regions Bank et al*, 2020 Ark. 246, 602 S.W.3d 726.

- Obtained dismissal of siblings' claims against administrator of estate involving stock transfers and contracts related to closely held family business. *Schmidt v. Newland & Associates, PLLC, Trustee et al*, 927 F.3d 1038 (8th Cir. 2019).
- Obtained summary judgment for seller of large recreational tract in real estate broker's claim for commission pursuant to procuring cause doctrine. *Six Pine Trees, Inc. and 1,000 Acre Wood, Inc. v. Agriworld, Inc.*, Jefferson County Circuit Court (2019).
- Defeated removal to federal court by seed and chemical manufacturer, and further attempt to transfer litigation to manufacturer's home state pursuant to forum selection clause, in business tort action by agricultural input supplier. *Hampton Pugh Company, LLC v. Monsanto Company*, 2018 WL 295563.
- Defended farm credit lender in multi-million dollar clawback action by bankruptcy trustee following collapse of large grain buyer. *Rice v. AgHeritage Farm Credit Services PCA (In re Turner Grain)*, 2:16-ap-01098 (Bankr. E.D. Ark.).
- Defended wide-ranging legal and equitable claims between family members, primarily involving title to farmland, numerous crop accountings and other ancillary matters. *Stokes v. Stokes*, 2016 Ark. 182, 491 S.W.3d 119.
- Intervened and successfully enforced agricultural input supplier's lien claim under lis pendens doctrine as against bankruptcy trustee and numerous other claimants in fraudulent transfer action involving insolvent farming entity. *Williams v. Maple Ridge Farming Co. (In re Maple Ridge Farming Co.)*, 5:16-ap-01017 (Bankr. E.D. Ark.).
- Defeated attacks on class certification in consumer class action involving usury and deceptive trade practices related to real estate sales contracts. *Lambert and Lambert Investors, Inc. v. Harris*, 2016 Ark. 24, 480 S.W.3d 138.
- Reversed summary judgment, entered on grounds of limitations and immunity, in novel wrongful death action under Arkansas law. *Fleming v. Vest*, 2015 Ark. App. 636, 475 S.W.3d 576.
- Obtained venue transfer and jury verdict for landowner against county judge in dispute over responsibility for replacement of large farm bridge. *Stokes v. Austin*, Drew County Circuit Court (2013).
- Defeated attempts by selling company's officer and his new employer to nullify covenant not to compete provided to input supplier expanding into Arkansas. *Norris and Bostick Brothers, Inc. v. Scott Petroleum Corporation*, Chicot County Circuit Court (2010).
- Successfully enforced equipment leases with terminal rental adjustment clauses against debtor in possession's attempts to treat them as disguised security agreements. *In re Double G Trucking of the Arklatex, Inc.*, 432 B.R. 789 (Bankr. W.D. Ark. 2010).
- Obtained administrative expense treatment for payments due to equipment lessor during period preceding debtor in possession's rejection of leases and surrender of equipment. *In re*

*Double G Trucking of the Arklatex, Inc.*, 442 B.R. 684 (Bankr. W.D. Ark. 2010).

- Reversed default judgment, and obtained dismissal of putative class action complaint, after out-of-state counsel filed defensive pleadings prior to pro hac vice admission in Arkansas. *Tobacco Superstore, Inc. v. Darrough*, 362 Ark. 103, 207 S.W.3d 511 (2005).
- Obtained summary judgment dismissing crop lender's claims against guarantor, based on lender's improper application and accounting of payments received from agricultural producer. *Southern States Cooperative, Inc. v. Stokes*, Desha County Circuit Court (2005).

## Professional Recognition

- Fellow, Arkansas Bar Foundation
- Paul Harris Fellow, Pine Bluff Rotary Club

## Involvement

- Member, Arkansas Bar Association
- Member, Real Estate Section
- Member, Agricultural Law Section
- Member, American Agricultural Law Association
- Member, Arkansas Self Insured Association
- Arkansas Supreme Court Committee on the Unauthorized Practice of Law
- Chapter Author and Contributor to Handling Appeals in Arkansas
- Member and Past President, Pine Bluff Rotary Club
- Member and Former Director, Fifty for the Future of Pine Bluff
- Board of Directors and Past President, Pine Bluff Downtown Development
- Warden, Vestry Member, Usher and Lay Reader, Grace Episcopal Church