

SUPREME COURT OF GEORGIA

Crawford v. Simpson

279 Ga. 280 (2005) · Decided April 26, 2005

SUMMARY

The Georgia Supreme Court affirmed a trial court judgment quieting title to a disputed 1.32-acre tract in favor of the appellee. The court held that the evidence supported adverse possession under both the twenty-year statutory period and the seven-year period under color of title, including public, continuous, exclusive, uninterrupted, and peaceable possession accompanied by a claim of right.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Hunstein, Justice; All the Justices
JURISDICTION	Georgia
DECIDED	April 26, 2005
DISPOSITION	affirmed
PROCEDURAL POSTURE	David Crawford brought a quiet title action concerning ownership and the boundary of a disputed 1.32-acre tract. After a special master issued findings and an award, the trial court adopted them and entered judgment recognizing the appellee's ownership; Crawford appealed.
STANDARD OF REVIEW	Findings of a special master adopted by the trial court are upheld unless clearly erroneous.
PRECEDENTIAL VALUE	Published opinion
PARTIES	David Crawford v. L. Simpson Charitable Remainder Unitrust

TOPICS

- quiet title
- adverse possession
- title disputes
- real estate
- declaratory judgment

PRACTICE AREAS

- Real property
- Adverse possession
- Quiet title

QUESTIONS PRESENTED

1. Whether the evidence established the public, exclusive, continuous, uninterrupted, peaceable, and hostile possession required to acquire title by adverse possession.
2. Whether the evidence supported a finding that the predecessor's possession was accompanied by a good-faith claim of right.
3. Whether the special master's report contained sufficient findings of fact to support the quiet-title judgment.

HOLDINGS

1. The evidence authorized the trial court to find that the appellee's predecessors maintained public, exclusive, and continuous possession of the disputed tract and thereby satisfied the requirements for adverse possession.
2. The evidence authorized the finding that Daughtry's hostile possession was undertaken in good faith and accompanied by a claim of right.
3. Remand was not required because the special master's report contained more than sufficient findings of fact.

KEY QUOTATIONS

“To establish title by adverse possession, whether by twenty years or seven years under color of title, a party must show possession not originated in fraud that is public, continuous, exclusive, uninterrupted and peaceable, and accompanied by a claim of right.” (281)

FACTUAL BACKGROUND

The disputed tract was approximately 1.32 acres located along a state highway between the parties' properties. Evidence showed that the appellee's predecessor cultivated the tract beginning by at least 1963, grew hay and later planted pine trees there, and that the tract was taxed as part of the predecessor's property. The tract was included in plats and a 1992 warranty deed conveying the predecessor's acreage, while the appellant acquired his property in 1996 and later installed a fence along a competing 1950 deed boundary that the appellee had removed.

PROCEDURAL HISTORY

The trial court adopted the special master's findings that the appellee owned the disputed tract through adverse possession under both the twenty-year statute and the seven-year color-of-title statute. The Supreme Court of Georgia reviewed the findings for clear error and affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- Cooley v. McRae, 275 Ga. 435, 436, 569 S.E.2d 845 (2002)

- Hartwell R. Co. v. Barnes, 276 Ga. 246 (2), 577 S.E.2d 566 (2003)
- Anderson v. Barron, 208 Ga. 785, 69 S.E.2d 874 (1952)
- McCook v. Crawford, 114 Ga. 337, 40 S.E. 225 (1901)
- Halpern v. The Lacy Investment Corp., 259 Ga. 264 (1), 379 S.E.2d 519 (1989)

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