

SUPREME COURT OF ALABAMA

Meadows v. Smith

598 So. 2d 908 (Ala. 1992) · Decided February 7, 1992

SUMMARY

The Alabama Supreme Court reviewed a summary judgment in an ejectment action involving a claim for reimbursement or setoff for permanent improvements made by the defendant. The court held that color of title was required for recovery under Ala. Code § 6-6-286 and that the defendant was not entitled to an equitable setoff because she could not establish a bona fide belief of ownership. The court also held that rental damages must be calculated based on the property's value when the defendant took possession, excluding enhancements attributable to the defendant's improvements, and remanded for reassessment of damages.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Hornsby; Maddox; Almon; Shores; Houston; Steagall; Kennedy; Ingram
JURISDICTION	Alabama
DECIDED	February 7, 1992
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Meadows petitioned the Supreme Court of Alabama for certiorari review after the Court of Civil Appeals affirmed a summary judgment for Smith in an ejectment action.
STANDARD OF REVIEW	Summary judgment is reviewed under the same standard applicable to its entry: whether a genuine issue of material fact exists and, if not, whether the movant is entitled to judgment as a matter of law. The record is viewed in the light most favorable to the nonmovant, with reasonable doubts resolved against the movant. Because the action was not pending on June 11, 1987, the nonmovant was required to present substantial evidence under Ala. Code 1975, § 12-21-12.
PRECEDENTIAL VALUE	Published Alabama Supreme Court opinion; precedential.
PARTIES	Rosetta S. Meadows v. Evangeline A. Smith

TOPICS

ejectment

adverse possession

damages

summary judgment

equitable relief

PRACTICE AREAS

real estate

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether color of title is required for a defendant to obtain the benefits of Ala. Code 1975, § 6-6-286.
2. Whether Meadows had an equitable or common-law right to set off the value of permanent improvements against Smith's claim for mesne profits or detention damages.
3. Whether damages in the ejectment action could be calculated using the rental value of the property after Meadows's improvements increased its value.

HOLDINGS

1. Color of title is a prerequisite to recovery under Ala. Code 1975, § 6-6-286. Because Meadows had no deed and had never paid ad valorem taxes on the property, summary judgment properly denied her statutory claim for the value of permanent improvements.
2. A defendant in an ejectment action may have an equitable right to set off the value of permanent improvements against rents or damages, but Meadows was not entitled to that setoff because the undisputed evidence showed that she could not maintain a bona fide belief that she owned the property.
3. Damages for detention in an ejectment action must be based on the rental value of the property as it existed when the defendant took possession, not on the rental value enhanced by improvements made by the defendant.

KEY QUOTATIONS

"Thus, we must agree with the trial court that color of title is a prerequisite to recovery under this section."
(598 So. 2d at 911)

"We adhere to this principle, and we hold that the trial court erred in using the rental value subsequent to Meadows's permanent improvements to compute Smith's damages." (598 So. 2d at 912)

FACTUAL BACKGROUND

Smith held legal title to Birmingham property that Meadows entered, repaired, and rented after believing she had inherited an ownership interest through her father. Meadows spent approximately \$10,000 repairing the condemned and dilapidated house, then rented it for \$249 per month. Smith sued in July 1990, and the trial court concluded that Meadows lacked color of title and could not have held a bona fide belief of ownership. The trial court calculated damages using the property's post-improvement rental value.

PROCEDURAL HISTORY

Smith sued Meadows for ejectment, injunctive relief, and mesne profits. The trial court entered summary judgment for Smith, ordered Meadows to vacate, issued a writ of possession, and awarded Smith \$8,964 in

damages. The Court of Civil Appeals affirmed, and the Supreme Court of Alabama affirmed in part, reversed as to the damage assessment, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Court of Civil Appeals was directed to order an assessment of damages based on the rental value of the property at the time Meadows took possession, without including enhancement attributable to Meadows's permanent improvements.

CASES CITED

- Woodham v. Nationwide Life Ins. Co., 349 So. 2d 1110 (Ala. 1977)
- Shades Ridge Holding Co. v. Cobbs, Allen Hall Mortg. Co., 390 So. 2d 601 (Ala. 1980)
- Fulton v. Advertiser Co., 388 So. 2d 533 (Ala. 1980)
- Berner v. Caldwell, 543 So. 2d 686, 688 (Ala. 1989)
- Schoen v. Gullledge, 481 So. 2d 1094, 1096-97 (Ala. 1985)
- Wilson v. Brown, 496 So. 2d 756, 758 (Ala. 1986)
- Harrell v. Reynolds Metals Co., 495 So. 2d 1381 (Ala. 1986)
- Hanners v. Balfour Guthrie, Inc., 564 So. 2d 412 (Ala. 1990)
- Bass v. SouthTrust Bank of Baldwin County, 538 So. 2d 794, 797-98 (Ala. 1989)
- West v. Founders Life Assurance Co. of Florida, 547 So. 2d 870, 871 (Ala. 1989)
- Hill v. Cape Coral Bank, 402 So. 2d 945, 947 (Ala. 1981)
- Gresham v. Ware, 79 Ala. 192, 199 (1885)
- Manning v. Wingo, 577 So. 2d 865, 869 (Ala. 1991)
- McCarver v. Doe, 135 Ala. 542, 545, 33 So. 486, 487 (1903)
- Southern Cotton Oil Co. v. Henshaw, 89 Ala. 448, 7 So. 760 (1890)
- Headley v. McCall, 205 Ala. 108, 87 So. 355 (1920)
- Kerr v. Nicholas, 88 Ala. 346, 6 So. 698 (1889)