

SUPREME COURT OF WYOMING

R.C.R., Inc. v. Deline

2008 WY 96 (Wyo. 2008) · No. S-07-0029 · Decided August 15, 2008

SUMMARY

The Supreme Court of Wyoming affirmed a district court judgment concerning the scope and use of a recorded access easement. The court rejected challenges based on res judicata, collateral estoppel, judicial estoppel, and claim splitting, and held that the easement could not be unilaterally expanded or restricted through a recorded affidavit, locked gates, or warning signs. The court also upheld injunctive relief protecting the appellees' use of the easement.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                              |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Wyoming                                                                                                                                                                                                                                                     |
| WRITING FOR THE COURT | Hill, Justice; Voigt, C.J.; Golden, J.; Hill, J.; Kite, J.; Burke, J.                                                                                                                                                                                                        |
| JURISDICTION          | Wyoming                                                                                                                                                                                                                                                                      |
| DECIDED               | August 15, 2008                                                                                                                                                                                                                                                              |
| DOCKET                | S-07-0029                                                                                                                                                                                                                                                                    |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                     |
| PROCEDURAL POSTURE    | Appeal from a district court judgment granting the Delines declaratory and injunctive relief concerning the scope and use of a recorded easement, rejecting a recorded affidavit affecting title, and enjoining interference with the easement.                              |
| STANDARD OF REVIEW    | Following a bench trial, factual findings are reviewed under the clearly erroneous standard and legal conclusions de novo. Declaratory judgment proceedings are reviewed as other civil actions; questions of law are reviewed without deference and upheld only if correct. |
| PRECEDENTIAL VALUE    | published precedential opinion                                                                                                                                                                                                                                               |
| PARTIES               | R.C.R., Inc., Jon R. Gray v. Robert E. Deline, Annabelle M. Deline                                                                                                                                                                                                           |

TOPICS

- easements
- real estate
- declaratory judgment
- injunctions
- res judicata

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the Delines' claims were barred by claim splitting, judicial estoppel, collateral estoppel, or res judicata based on earlier easement and private-road litigation.
2. Whether the district court improperly applied *Lozier v. Blattland Investments, LLC* in interpreting the scope of the 1979 easement.
3. Whether the Delines' use of the easement to reach adjoining fishing-club lands and to connect with the private road impermissibly expanded the dominant estate.
4. Whether the district court properly granted declaratory and injunctive relief against Gray's recorded affidavit, restrictive signs, and locking of easement gates.

## HOLDINGS

1. The Delines' claims were not barred by collateral estoppel or res judicata because the prior litigation concerned the validity and location of the easement, not the scope of the Delines' use of it to reach adjoining fishing-club lands and related recreational areas.
2. The rule against splitting causes of action did not bar the Delines' action.
3. Judicial estoppel did not apply.
4. The district court properly considered the circumstances surrounding creation of the easement and historical use to determine its scope, and properly concluded that the Delines' uses were reasonable and consistent with the easement's language and purpose.
5. The Delines did not impermissibly expand the dominant estate because they used the easement to access and enjoy the dominant estate, Lot 5, rather than to serve an additional dominant estate.
6. Unilateral relocation of an easement is not permitted absent an express provision in the granting instrument.

## KEY QUOTATIONS

*“The general rule, which we adopt here, is that unilateral relocation of an easement is not permitted, absent an express provision in the granting instrument.”* (190 P.3d at 147)

*“The uses the Delines make of the easement are reasonable in every respect, given the language used in the written conveyance.”* (190 P.3d at 156)

## FACTUAL BACKGROUND

The Delines purchased the former Hill residence and thereby acquired the appurtenant benefits of a 1979 recorded easement across property owned by R.C.R. and Gray. The easement had historically been used to access the residence and, consistent with the residence's purpose as part of a fishing club, to reach adjoining fishing-club lands and related recreational areas. Gray disputed that use, recorded an affidavit limiting the easement to the 150-by-150-foot residence lot, locked gates, and posted signs threatening to treat travel beyond

the lot as trespassing. The Delines sought declarations concerning the easement and private road and an injunction against Gray's interference.

### PROCEDURAL HISTORY

The Delines filed an action for declaratory and injunctive relief after Jon Gray recorded an affidavit purporting to restrict their use of a 1979 easement, locked gates, and posted restrictive signs. Following hearings and a bench trial, the district court ruled that the Delines' historical use of the easement did not violate its terms, that their use of the private road was permissible, that the affidavit was void and ineffective against their property interests, and that Gray and R.C.R. were enjoined from interfering with the easement. The Wyoming Supreme Court affirmed.

### DISPOSITION

affirmed

### CASES CITED

- Hill v. Value Recovery Group, L.P., 964 P.2d 1256 (Wyo. 1998)
- R.C.R., Inc. v. Rainbow Canyon, Inc., 978 P.2d 581 (Wyo. 1999)
- Edgcomb v. Lower Valley Power and Light, Inc., 922 P.2d 850, 855-56 (Wyo. 1996)
- R.C.R., Inc. v. Deline, 2003 WY 62, 70 P.3d 214 (Wyo. 2003)
- Lozier v. Blattland Investments, LLC, 2004 WY 132, 100 P.3d 380 (Wyo. 2004)
- Ericsson v. Braukman, 111 Or. App. 57, 824 P.2d 1174 (1992)
- Stamatis v. Johnson, 71 Ariz. 134, 224 P.2d 201 (1950)
- Davis v. Bruk, 411 A.2d 660 (Me. 1980)
- Belden v. Thorkildsen, 2007 WY 68, ¶ 11, 156 P.3d 320, 323 (Wyo. 2007)
- Eklund v. Farmers Ins. Exch., 2004 WY 24, ¶ 10, 86 P.3d 259, 262 (Wyo. 2004)
- Pinther v. Ditzel, 2007 WY 116, ¶ 3, 163 P.3d 816, 817 (Wyo. 2007)
- Bard Ranch Company v. Weber, 557 P.2d 722, 726-27 (Wyo. 1976)
- Foianini v. Brinton, 855 P.2d 1238, 1240 (Wyo. 1993)
- Beaulieu v. Florquist, 2004 WY 31, ¶ 16, 86 P.3d 863, 869 (Wyo. 2004)
- Allen v. Allen, 550 P.2d 1137, 1142 (Wyo. 1976)
- Erhart v. Flint Engineering & Const., 939 P.2d 718, 724 (Wyo. 1997)
- Hatten Realty Co. v. Baylies, 42 Wyo. 69, 290 P. 561, 566 (1930)
- May v. May, 945 P.2d 1189, 1191 (Wyo. 1997)
- Cross v. Berg Lumber Co., 7 P.3d 922, 930-31 (Wyo. 2000)
- Wilson v. Lucerne Canal and Power Co., 2007 WY 10, 150 P.3d 653 (Wyo. 2007)