

SUPREME JUDICIAL COURT OF MAINE

Helen Rivas Rose et al. v. William Parsons Jr. et al.

Helen Rivas Rose v. William Parsons Jr., 2013 ME 77 (2013) · No. Yor-12-516 · Decided August 20, 2013

SUMMARY

The Maine Supreme Judicial Court reviewed a summary judgment concerning whether the owners of a Farm Lot held easements over Roads A and H to access nearby beaches. The court held that a codicil established easements appurtenant for the Farm Lot, regardless of whether the prior easements had been extinguished by merger, and remanded for consideration of abandonment. The court upheld summary judgment against the adverse-possession and slander-of-title claims and did not reach the applicability of Maine's Paper Streets Act.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Silver, J.; Saufley, C.J.; Alexander, J.; Levy, J.; Mead, J.; Gorman, J.; Jabar, J.
JURISDICTION	Maine
DECIDED	August 20, 2013
DOCKET	Yor-12-516
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a summary judgment declaring that the appellants did not have easements providing beach access across the neighbors' land and granting summary judgment against the appellants on their slander-of-title claim.
STANDARD OF REVIEW	Summary judgment is reviewed de novo; the judgment is affirmed if the record shows no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Helen Rivas Rose, Nathaniel P. Merrill v. William Parsons Jr., Mary Elizabeth Fluke, Llewellyn P.H. Alden, Other Neighbors

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QUESTIONS PRESENTED

1. Whether the 1956 codicil established easements over Roads A and H for the benefit of the Farm Lot even if the easements had previously been extinguished by merger.
2. Whether Rose and Merrill presented prima facie evidence that they acquired easements over Roads A and H by adverse possession.
3. Whether Rose and Merrill presented prima facie evidence supporting their slander-of-title claim.
4. Whether the Paper Streets Act applied to the disputed easements.

HOLDINGS

1. The codicil established easements appurtenant to the Farm Lot over Roads A and H, notwithstanding any prior extinguishment of those easements through merger.
2. The issue of abandonment was not resolved on summary judgment and must be considered by the trial court on remand.
3. The trial court correctly concluded that Rose and Merrill failed to present prima facie evidence establishing easements over Roads A and H by adverse possession.
4. The trial court correctly granted summary judgment to the neighbors on the slander-of-title claim because Rose and Merrill failed to present evidence of a false statement made with malice or reckless disregard of its falsity.

KEY QUOTATIONS

“We review a grant of summary judgment “de novo and will affirm if the record reflects that there is no genuine issue of material fact and the movant is entitled to a judgment as a matter of law.”” (¶ 7)

“Therefore, these easements appurtenant are unambiguously “set forth . . . in deeds of record in the chain of title” and are established by the codicil.” (¶ 10)

FACTUAL BACKGROUND

The Farm Lot owned by Rose and Merrill was a back lot shown on a 1915 plan that identified Roads A and H as pathways to Parsons Beach and Crescent Surf Beach. Deeds recorded before 1943 established the Farm Lot as the dominant estate of easements over those roads, but one owner later acquired the Farm Lot and nearly all of the abutting servient lots, creating the merger issue. A 1956 codicil devised the Farm Lot with its appurtenances and with the benefit of rights and restrictions in the recorded chain of title. After Rose and Merrill advertised the Farm Lot as having a deeded right of way, prospective buyers withdrew when the neighbors asserted that the easements had been terminated or abandoned.

PROCEDURAL HISTORY

Rose and Merrill sought a declaratory judgment establishing easements over Roads A and H based on their chain of title or adverse possession and also asserted slander of title. The neighbors counterclaimed for a declaration that no such easements existed. Following cross-motions for summary judgment, the York County Superior Court ruled that merger had extinguished the easements, that no later deed revived them, and that the appellants had not established their claims. The Supreme Judicial Court vacated the judgment in part and remanded for further proceedings concerning the continued existence or abandonment of easements created by a codicil.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must determine whether the easements established by the 1956 codicil still exist or were abandoned. The judgment was vacated in part, and the case was remanded for further proceedings consistent with the opinion.

CASES CITED

- Doe I v. Williams, 2013 ME 24, ¶ 10, 61 A.3d 718
- Williams v. Dearborn, 101 Me. 506, 64 A. 851 (1906)
- In re Estate of Wilson, 2003 ME 92, ¶ 11, 828 A.2d 784
- Canadian National Railway v. Sprague, 609 A.2d 1175, 1179 (Me. 1992)
- Colquhoun v. Webber, 684 A.2d 405, 409 (Me. 1996)

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