

COURT OF APPEALS OF TEXAS, FIFTH DISTRICT AT DALLAS

The Staley Family Partnership, Ltd. v. David Lee Stiles, Delzie Stiles,  
Ginger Westbrook, Robert Stiles, and David Stiles

435 S.W.3d 851 (Tex. App.—Dallas 2014) · No. No. 05-13-00735-CV · Decided June 18, 2014

SUMMARY

The Fifth District Court of Appeals at Dallas affirmed a trial court judgment declaring that The Staley Family Partnership, Ltd. did not have an easement by necessity across the appellees’ property to access County Road 134. The court held that Staley failed to establish that a public road existed and that the claimed necessity arose when the dominant and servient estates were severed in 1866, and it upheld the award of attorney’s fees to the appellees.

CASE DETAILS

|                       |                                                                                                                                                                                                                                     |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals of Texas, Fifth District at Dallas                                                                                                                                                                                 |
| WRITING FOR THE COURT | Robert M. Fillmore; Justice Evans; Justice Lewis                                                                                                                                                                                    |
| JURISDICTION          | Texas                                                                                                                                                                                                                               |
| DECIDED               | June 18, 2014                                                                                                                                                                                                                       |
| DOCKET                | No. 05-13-00735-CV                                                                                                                                                                                                                  |
| DISPOSITION           | affirmed                                                                                                                                                                                                                            |
| PROCEDURAL POSTURE    | Appeal from a bench-trial judgment declaring that appellant did not have an easement by necessity across appellees' property and awarding appellees attorney's fees under the Uniform Declaratory Judgments Act.                    |
| STANDARD OF REVIEW    | The court reviewed the trial court's conclusions of law de novo, reversing an erroneous conclusion as a matter of law. It reviewed the award or denial of attorney's fees in a declaratory-judgment action for abuse of discretion. |
| PRECEDENTIAL VALUE    | published precedential opinion                                                                                                                                                                                                      |
| PARTIES               | The Staley Family Partnership, Ltd. v. David Lee Stiles, Delzie Stiles, Ginger Westbrook, Robert Stiles, David Stiles                                                                                                               |

TOPICS

- easement by necessity
- implied easements
- declaratory judgment
- appellate procedure
- remedies

## PRACTICE AREAS

real estate

property law

appellate procedure

remedies

## QUESTIONS PRESENTED

1. Whether Staley established an easement by necessity across appellees' property to access County Road 134.
2. Whether the trial court erred in awarding appellees attorney's fees and denying Staley attorney's fees under the Uniform Declaratory Judgments Act.

## HOLDINGS

1. Staley failed to establish an easement by necessity because it did not prove that the necessity for access to a public road existed when the alleged dominant and servient estates were severed.
2. The trial court did not abuse its discretion by awarding appellees attorney's fees because appellees prevailed on their declaratory-judgment counterclaim and Staley did not challenge the fees as unreasonable or unnecessary.

## KEY QUOTATIONS

*"An easement by necessity is established with proof of (1) unity of ownership of the dominant and servient estates prior to severance, (2) necessity of a roadway, and (3) existence of the necessity at the time of the severance."* (435 S.W.3d at 855)

*"Staley bore the burden of establishing that its claim for access across the Stiles Tract was a necessity and not merely a convenience."* (435 S.W.3d at 856)

## FACTUAL BACKGROUND

Staley owns a 10.129-acre tract in Collin County that was formerly part of a larger tract owned by Thompson Helms. The larger tract was partitioned in 1866, with the land now comprising the Staley Tract placed in the Frances M. Helms Tract and the land now comprising the Stiles Tract placed in the James Helms and Axia Ann Helms Tracts. Staley claimed that ravines and waterways left its tract landlocked and that it therefore had an easement by necessity across the Stiles Tract to County Road 134. The evidence did not credibly establish that a public road existed at the current location of County Road 134 when the estates were severed in 1866.

## PROCEDURAL HISTORY

The Staley Family Partnership sought declarations that it had easement rights across appellees' property to reach County Road 134. The trial court rejected the claimed easement by necessity, implied easement, and easement by estoppel, granted appellees' counterclaim for declaratory relief, and awarded appellees attorney's fees. Staley appealed, challenging only the easement-by-necessity ruling and related attorney's-fee rulings. The court of appeals affirmed.

## DISPOSITION

affirmed

#### CASES CITED

- Machala v. Weems, 56 S.W.3d 748, 755 (Tex. App.—Texarkana 2001, no pet.)
- Tiller v. Lake Alexander Props., Ltd., 96 S.W.3d 617, 621, 623 (Tex. App.—Texarkana 2002, no pet.)
- Hamrick v. Ward, 359 S.W.3d 770, 776 (Tex. App.—Houston [14th Dist.] 2012, pets. granted)
- Benedictine Sisters of the Good Shepherd v. Ellison, 956 S.W.2d 629, 631, 632-633 (Tex. App.—San Antonio 1997, pet. denied)
- Koonce v. Brite Estate, 663 S.W.2d 451, 452 (Tex. 1984)
- Bains v. Parker, 182 S.W.2d 397, 399 (Tex. 1944)
- Crone v. Brumley, 219 S.W.3d 65, 68-70 (Tex. App.—San Antonio 2006, pet. denied)
- Duff v. Matthews, 311 S.W.2d 637, 640 (Tex. 1958)
- Miller v. Elliott, 94 S.W.3d 38, 43 (Tex. App.—Tyler 2002, pet. denied)
- Ingham v. O'Block, 351 S.W.3d 96, 102 (Tex. App.—San Antonio 2011, pet. denied)
- Daniel v. Fox, 917 S.W.2d 106, 110, 112 (Tex. App.—San Antonio 1996, writ denied)
- Harrington v. Dawson-Conway Ranch, Ltd., 372 S.W.3d 711, 724 (Tex. App.—Eastland 2012, pet. denied)
- Heard v. Roos, 885 S.W.2d 592, 596 (Tex. App.—Corpus Christi 1994, no pet.)
- Perez v. Benavides, No. 04-06-00751-CV, 2007 WL 1608927, at \*2 (Tex. App.—San Antonio June 6, 2007, no pet.)
- Penney v. Mangum, No. 07-08-0025-CV, 2009 WL 1677837, at \*2 (Tex. App.—Amarillo June 16, 2009, no pet.)
- Roberson v. City of Austin, 157 S.W.3d 130, 136-137 (Tex. App.—Austin 2005, pet. denied)
- Oake v. Collin County, 692 S.W.2d 454, 455 (Tex. 1985)
- Save Our Springs Alliance, Inc. v. Lazy Nine Municipal Utility District, 198 S.W.3d 300, 319 (Tex. App.—Texarkana 2006, pet. denied)