

SUPREME COURT OF GEORGIA

Double "D" Bar "C" Ranch v. Bell

283 Ga. 386 (2008) (Ga. 2008) · No. S07A1819 · Decided March 10, 2008

SUMMARY

The Supreme Court of Georgia affirmed a superior court judgment quieting title to a disputed 25.09-acre parcel in favor of the appellees. The court held that the appellees' deed was sufficiently definite when read with extrinsic evidence and that the appellant failed to establish adverse possession through actual possession, tax payments, or recorded deeds alone.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Hunstein, Presiding Justice; All Justices
JURISDICTION	Georgia
DECIDED	March 10, 2008
DOCKET	S07A1819
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appellant appealed from the superior court's adoption of a special master's report quieting title to the disputed parcel in appellees.
STANDARD OF REVIEW	Findings of a special master adopted by the trial court in a quiet title action are upheld unless clearly erroneous.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Georgia
PARTIES	Double "D" Bar "C" Ranch v. Bell et al.

TOPICS

- quiet title
- adverse possession
- title disputes
- deeds
- civil procedure

PRACTICE AREAS

- Real estate
- property law
- civil procedure

QUESTIONS PRESENTED

1. Whether the deed in appellees' chain of title described the disputed parcel with sufficient certainty to convey valid title.
2. Whether appellant proved title by adverse possession or prescription through its alleged possession, tax payments, and recorded deeds.

HOLDINGS

1. The 1968 deed in appellees' chain of title was sufficiently definite because it contained identifying keys that, with the use of extrinsic evidence, established the boundaries of the conveyed property; appellees therefore held title to the disputed parcel.
2. Appellant failed to prove actual adverse possession of the disputed property and therefore could not acquire prescriptive title.

KEY QUOTATIONS

"To establish title by adverse possession, appellant was required to show "possession not originated in fraud that is public, continuous, exclusive, uninterrupted and peaceable, and accompanied by a claim of right. OCGA § 44-5-161(a)."" (636)

"given appellant's lack of actual possession of any portion of the disputed property, a claim based on that recordation alone must fail" (636)

FACTUAL BACKGROUND

The disputed parcel lay between Lebanon Road and the abandoned Old Ridge Road. Historic deeds from a common grantor conveyed land on opposite sides of a referenced public road, and the special master found that the reference meant Old Ridge Road, which had long been recognized as the boundary. Appellees claimed through the Thomas chain of title, while appellant claimed through a later deed from the Clift estate and subsequent foreclosure-related conveyances. Appellant also claimed title by adverse possession based principally on signs, occasional removal of trespassers, tax payments, and recordation of its deeds.

PROCEDURAL HISTORY

Double "D" Bar "C" Ranch filed a quiet title action concerning a 25.09-acre parcel in Fannin County. A special master conducted a hearing and recommended quieting title in favor of appellees. The superior court adopted the report, and the Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Cooley v. McRae, 275 Ga. 435, 569 S.E.2d 845 (2002)
- Head v. Lee, 203 Ga. 191(2)(b), 45 S.E.2d 666 (1947)
- Crawford v. Simpson, 279 Ga. 280, 281, 612 S.E.2d 783 (2005)

- Fitzpatrick v. Massee-Felton Lumber Co., 188 Ga. 80, 86, 3 S.E.2d 91 (1939)
- Brown v. Williams, 259 Ga. 6(2), 375 S.E.2d 835 (1989)
- Gordon v. Georgia Kraft Company, 217 Ga. 500(8), 123 S.E.2d 540 (1962)
- Holloway v. Woods, 195 Ga. 55(1), 23 S.E.2d 254 (1942)

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