

VERMONT SUPERIOR COURT, CIVIL DIVISION, LAMOILLE UNIT

Stowe Electric Department et al. v. Stacey Ramos

No. 25-CV-03159 (Vt. Super. Ct. Jan. 7, 2026) · No. 25-CV-03159 · Decided April 9, 2026

SUMMARY

The Vermont Superior Court, Lamoille Unit, denied Stowe Tree LLC's motion to dismiss Stacey Ramos's counterclaim concerning a right-of-way over Ramos's property. The court held that the counterclaim plausibly alleged that current and intended commercial use of the right-of-way could violate deed restrictions prohibiting commercial activity, while the right-of-way itself did not constitute a prohibited subdivision. The court also rejected arguments based on failure to join other subdivision owners and collateral estoppel.

CASE DETAILS

COURT	Vermont Superior Court, Civil Division, Lamoille Unit
WRITING FOR THE COURT	Benjamin D. Battles
JURISDICTION	Vermont Superior Court, Civil Division, Lamoille Unit
DECIDED	April 9, 2026
DOCKET	25-CV-03159
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs brought a declaratory-judgment action concerning a right-of-way over defendant's property. Defendant asserted a counterclaim alleging that the right-of-way was void because it violated deed restrictions. Stowe Tree LLC moved under Vermont Rule of Civil Procedure 12(b)(6) to dismiss the counterclaim.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, dismissal is proper only if it is beyond doubt that no facts or circumstances could entitle the claimant to relief. The court construes alleged facts and reasonable inferences in favor of the nonmoving party and determines whether the bare allegations are sufficient to state a claim. Documents relied on in a complaint may be considered as merged into the pleadings.
PRECEDENTIAL VALUE	Unknown; Vermont Superior Court trial-level opinion with no reporter citation in the source.

TOPICS

motions to dismiss

easements

covenants and restrictions

joinder

civil procedure

PRACTICE AREAS

civil procedure

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QUESTIONS PRESENTED

1. Whether Ramos's counterclaim plausibly alleged that the current or intended use of the right-of-way constituted commercial activity prohibited by the deed restrictions.
2. Whether the deed's prohibition on subdivision invalidated the 2007 grant of a right-of-way benefiting an adjoining parcel.
3. Whether the other lot owners in the subdivision were necessary parties under Vermont Rule of Civil Procedure 19.
4. Whether a stipulated dismissal in prior litigation barred Ramos's counterclaim through issue preclusion or collateral estoppel.

HOLDINGS

1. The counterclaim stated a claim because the alleged current and intended use of the right-of-way by Stowe Trees and Stowe Electric could reasonably be construed as commercial activity prohibited by the deed restrictions.
2. The deed's prohibition on subdivision did not preclude the prior owner from granting a right-of-way benefiting an adjoining parcel because granting a right-of-way does not subdivide the property.
3. The other lot owners in the Hartson Road subdivision were not required parties under Rule 19.
4. Collateral estoppel did not bar the counterclaim because the prior action was not resolved by a final judgment on the merits.

KEY QUOTATIONS

“A claim should be dismissed under Rule 12(b)(6) “only if it is beyond doubt that there exist no facts or circumstances that would entitle the [claimant] to relief.”” (1)

“An easement “must be used in a manner consistent with the use contemplated at the time of its creation and may not be used in a way that materially increases the burden on the servient estate.”” (2)

“A party is precluded from relitigating an issue if five elements are met:” (3)

FACTUAL BACKGROUND

Ramos owns Lot 3 in a residential subdivision subject to deed restrictions limiting the lots to permanent residential and recreational use, prohibiting commercial activity, and restricting subdivision. A 2007 deed created a right-of-way across Lot 3 to serve an adjacent parcel, which was later subdivided and one resulting lot was conveyed to Stowe Trees LLC. Stowe Trees and Stowe Electric sought to use the right-of-way for access and

underground electric utility lines, and Ramos alleged that the current and intended use constituted prohibited commercial activity.

PROCEDURAL HISTORY

Stowe Electric Department and Stowe Tree LLC filed a declaratory-judgment action in July 2025. Stacey Ramos filed a counterclaim challenging the validity of a right-of-way crossing her property. The Vermont Superior Court denied Stowe Tree's motion to dismiss the counterclaim, concluding that the allegations plausibly stated a claim based on possible prohibited commercial use, and rejecting arguments based on failure to join parties and collateral estoppel.

DISPOSITION

other

CASES CITED

- Birchwood Land Co. v. Krizan, 2015 VT 37, ¶ 6, 198 Vt. 420
- Sutton v. Purzycki, 2022 VT 56, ¶ 20, 217 Vt. 326
- Gladchun v. Eramo, 2023 VT 5, ¶ 12, 217 Vt. 481
- United States Forest Serv. v. Cowpasture River Pres. Ass'n, 590 U.S. 604, 613 (2020)
- In re Shantee Point, Inc., 174 Vt. 248, 255 (2002)
- Post & Beam Equities Grp., LLC v. Sunne Vill. Dev. Prop. Owners Ass'n, 2015 VT 60, ¶ 57, 199 Vt. 313
- Echeverria v. Town of Tunbridge, 2024 VT 47, ¶ 13, 219 Vt. 585
- In re M.V., 2022 VT 31, ¶ 26, 216 Vt. 491
- Trepanier v. Getting Organized, Inc., 155 Vt. 259, 265 (1990)
- Matzen Const., Inc. v. Leander Anderson Corp., 152 Vt. 174, 178 (1989)

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