

SUPREME COURT OF WYOMING

Baker v. Pike

41 P.3d 537 (Wyo. 2002) · No. No. 00-322 · Decided February 26, 2002

SUMMARY

The Supreme Court of Wyoming held that language in 1904 deeds created a perpetual easement appurtenant for a ten-foot alley, rather than a revocable license. The court concluded that the easement benefited the owners of the affected parcels, ran with the land through subsequent transfers, and supported the Pike Family Trust's ingress and egress. The court affirmed the district court's order enforcing the easement.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Lehman, Chief Justice; Lehman, C.J.; Golden, J.; Hill, J.; Kite, J.; Voigt, J.
JURISDICTION	Wyoming
DECIDED	February 26, 2002
DOCKET	No. 00-322
DISPOSITION	affirmed
PROCEDURAL POSTURE	Baker appealed from an order enforcing an easement entered after the district court ruled that a 1904 deed created an easement over a ten-foot alley.
STANDARD OF REVIEW	Factual findings are reviewed for clear error, while conclusions of law are reviewed de novo. The meaning of an easement is derived from the language of the instrument; when the language is unambiguous and the parties' intent can be determined, interpretation is a matter of law.
PRECEDENTIAL VALUE	Published Wyoming Supreme Court opinion; precedential.
PARTIES	Brenda Baker v. Garland Pike, Trustee for the Pike Family Trust

TOPICS

- easements
- real estate
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the 1904 deeds created an easement appurtenant rather than merely a license.
2. Whether the easement survived subsequent transfers of the properties despite not being repeated in every later deed.
3. Whether the scope of the easement was limited to the uses contemplated when it was created.

HOLDINGS

1. The 1904 deeds created an easement appurtenant over the ten-foot alley, not a revocable license.
2. The appurtenant easement transferred with the dominant property and survived later conveyances even when subsequent deeds did not expressly mention it.
3. The scope of the easement was not limited to the uses contemplated at the time of its creation; Pike's current use for ingress and egress to the rear of the property was reasonable.

KEY QUOTATIONS

"Having determined that the 1904 deed created an easement appurtenant, we affirm." (41 P.3d at 537)

"An easement is a "nonpossessory interest in land of another."" (41 P.3d at 541)

"An easement appurtenant is transferred with possession of the dominant property even if it is not mentioned in the document of transfer." (41 P.3d at 542)

"Finally, "the scope of an easement is not limited to the uses contemplated to be made at the time of or immediately after its creation."" (41 P.3d at 543)

FACTUAL BACKGROUND

A ten-foot alley was created in 1904 to provide rear access to residential parcels after the lots were realigned, leaving the middle parcel without access to the city alley. The 1904 deeds required the parties to maintain and keep open the alley and stated that the obligation was binding on heirs and assigns forever. The properties changed hands several times, and Baker acquired the servient property with notice of recorded easements and the ten-foot alley. In 1999, Baker installed a permanent chain-link fence across the alley, obstructing Pike's ingress and egress to his garage.

PROCEDURAL HISTORY

Pike filed a complaint to enforce the easement after Baker installed a chain-link fence across the ten-foot alley and obstructed access to Pike's garage. Following a hearing, the district court found in Pike's favor and entered an Order Enforcing Easement. Baker timely appealed, and the Wyoming Supreme Court affirmed, holding that the 1904 deeds created an appurtenant easement rather than a license.

DISPOSITION

affirmed

CASES CITED

- R.C.R., Inc. v. Rainbow Canyon, Inc., 978 P.2d 581, 586 (Wyo. 1999)
- Hopper v. All Pet Animal Clinic, Inc., 861 P.2d 531, 538 (Wyo. 1993)
- Powder River Oil Co. v. Powder River Petroleum Corp., 830 P.2d 403, 407 (Wyo. 1992)
- Edgcomb v. Lower Valley Power & Light, Inc., 922 P.2d 850, 854, 857 (Wyo. 1996)
- Mueller v. Hoblyn, 887 P.2d 500, 504 (Wyo. 1994)
- Weber v. Johnston Fuel Liners, Inc., 519 P.2d 972, 975 (Wyo. 1974)
- Delgue v. Curutchet, 677 P.2d 208, 212 (Wyo. 1984)
- Forde v. Libby, 22 Wyo. 464, 143 P. 1190, 1191, 1193 (1914)
- Jones v. Edwards, 219 Or. 429, 347 P.2d 846, 848 (1960)

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