

SUPREME COURT OF RHODE ISLAND

Raymond Desrochers v. Luigi Micheli III

Desrochers v. Micheli · No. Nos. 2025-185-Appeal and 2025-186-Appeal (PM 16-2363) · Decided June 4, 2026

SUMMARY

The Rhode Island Supreme Court reviews an adverse possession dispute between owners of adjoining properties in Johnston, Rhode Island. The trial court found that the plaintiffs adversely possessed part of the disputed area but failed to establish hostility as to the portion along a former hemlock tree line because a prior owner may have granted permission. The Supreme Court affirms in part and vacates in part the Superior Court judgment.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	William P. Robinson III, Associate Justice; Frank Licht Suttell, Chief Justice; William P. Robinson III, Justice; Maureen McKenna Lynch Prata, Justice; Jeremiah S. Lynch, Justice; Long, Justice
JURISDICTION	Supreme Court of Rhode Island
DECIDED	June 4, 2026
DOCKET	Nos. 2025-185-Appeal and 2025-186-Appeal (PM 16-2363)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs appealed a Superior Court judgment that partially denied their adverse-possession claim, and defendant cross-appealed the portion of the judgment recognizing adverse possession over part of the disputed area.
STANDARD OF REVIEW	Factual findings after a bench trial are not disturbed unless clearly erroneous or unless the trial justice misconceived or overlooked material evidence; credibility determinations receive great weight, particularly in fact-intensive adverse-possession cases. Questions of law are reviewed de novo.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Raymond Desrochers, Debra Desrochers v. Luigi Micheli III

TOPICS

adverse possession

quiet title

appellate procedure

standard of review

civil procedure

PRACTICE AREAS

real estate

property law

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the conveyance of the servient parcel terminated any permission previously granted by its former owner, thereby permitting the plaintiffs' use to become hostile for adverse-possession purposes.
2. Whether plaintiffs established the hostility element of adverse possession by clear and convincing evidence as to the disputed area along and beyond the former hemlock tree line.
3. Whether plaintiffs established the location and dimensions of the disputed area with sufficient accuracy, including whether a metes-and-bounds description was required.

HOLDINGS

1. Assuming the former owner granted plaintiffs permission to use the disputed area, the subsequent conveyance of the servient parcel to owners unaware of that permission terminated the personal license. The conveyance therefore could permit plaintiffs' use to be treated as adverse; the trial justice erred in holding that alienation of either parcel could never constitute a new hostile act.
2. Further fact-finding was required concerning whether plaintiffs' use of both portions of the disputed area was hostile and whether any permission existed or applied. The record did not support final resolution of hostility because the trial justice analyzed permission under an incorrect legal rule and did not make sufficiently specific factual findings.
3. A metes-and-bounds description is not strictly required to establish the location of land claimed by adverse possession. Plaintiffs established the disputed area along the former tree line with sufficient particularity by clear and convincing evidence, but additional factual findings were required concerning the location of the disputed area beyond the tree line.

KEY QUOTATIONS

“Permission to use another’s land fatally undermines the element of hostility.” (25)

“However, this oral license was revoked by Ferland’s conveyance of lot 13 to the Hayhursts in 1929.” (29)

“It would be illogical to assume that permission to use the servient land continued when the successive owners had no knowledge of any prior permission.” (32)

“While Coscina is instructive as to the principle that a party claiming adverse possession must establish by clear and convincing evidence the location of the areas that said party contends have been adversely possessed, we agree with the trial justice in the instant case that a metes and bounds description of the boundary is not strictly required.” (35)

FACTUAL BACKGROUND

The parties own abutting properties at 38 and 36 Pine Hill Avenue in Johnston, Rhode Island. Plaintiffs used portions of defendant's property for a lawn, playset, landscaping, stone-dust areas, and storage of construction equipment for many years, with a former hemlock tree line separating portions of the properties. A 2013 survey showed that some of plaintiffs' improvements and equipment encroached beyond the deed boundary. A predecessor owner, George Cioe, gave conflicting deposition and trial testimony about whether he had merely described the tree line or granted plaintiffs permission to use the disputed land.

PROCEDURAL HISTORY

Plaintiffs filed an action in Providence County Superior Court seeking to quiet title to portions of defendant's property by adverse possession. Defendant answered and counterclaimed for declaratory, trespass, injunctive, and related relief. After a bench trial, the trial justice found that plaintiffs proved several adverse-possession elements but failed to prove hostility along the former hemlock tree line, while finding adverse possession beyond that line. Final judgment was entered on June 4, 2025; both parties timely appealed.

DISPOSITION

other

REMAND INSTRUCTIONS

Affirm in part and vacate in part the Superior Court judgment. Remand for further factual findings regarding the hostility element as to both portions of the disputed area and regarding the location of the disputed area beyond the former hemlock tree line. The Superior Court may order a survey if a specific metes-and-bounds description is desired for recording purposes.

CASES CITED

- *Coscina v. DiPetrillo*, 186 A.3d 590 (R.I. 2018)
- *Barrow v. D & B Valley Associates, LLC*, 22 A.3d 1131 (R.I. 2011)
- *Hilley v. Lawrence*, 972 A.2d 643 (R.I. 2009)
- *Foley v. Lyons*, 85 R.I. 86, 125 A.2d 247 (1956)
- *Clark v. Buttonwoods Beach Association*, 226 A.3d 683, 690-91 (R.I. 2020)
- *Quillen v. Macera*, 160 A.3d 1006, 1010 (R.I. 2017)
- *Butterfly Realty v. James Romanella & Sons, Inc.*, 93 A.3d 1022, 1033 (R.I. 2014)
- *Union Cemetery Burial Society of North Smithfield v. Foisy*, 292 A.3d 1205, 1214, 1217 (R.I. 2023)
- *DiPippo v. Sperling*, 63 A.3d 503, 508 (R.I. 2013)
- *Carnevale v. Dupee*, 783 A.2d 404, 412 (R.I. 2001)
- *Tavares v. Beck*, 814 A.2d 346, 351 (R.I. 2003)
- *Tefft v. Reynolds*, 43 R.I. 538, 542, 113 A. 787, 789 (1921)
- *Butterfly Realty v. James Romanella & Sons, Inc.*, 45 A.3d 584, 590, 592 (R.I. 2012)
- *Koziol Firearms, Inc. v. Marchand*, 334 A.3d 439, 444-45 (R.I. 2025)

- *Carnevale v. Dupee*, 853 A.2d 1197, 1202 (R.I. 2004)
- *Waltmyer v. Smith*, 556 A.2d 912 (Pa. Super. Ct. 1989)
- *Boyce v. Cassese*, 941 So. 2d 932, 941 (Ala. 2006)

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