

LOUISIANA COURT OF APPEAL, SECOND CIRCUIT

Jesse Justin Colvin and Ruby Sue Hill Colvin v. Robert Bradford Jones and Roni Michelle Reppond Jones, consolidated with Robert Bradford Jones and Roni Michelle Reppond Jones v. Jessie Justin Colvin and Ruby Sue Hill Colvin

No. 56,654-CA; No. 56,655-CA (consolidated cases) · No. No. 56,654-CA; No. 56,655-CA (consolidated cases)
· Decided January 14, 2026

SUMMARY

The Louisiana Second Circuit affirmed a judgment fixing the boundary between the parties’ properties at an old downed combination fence. The court also upheld a permanent injunction requiring removal of signs, fencing, lights, and other materials, as well as an award of \$7,500 to each of the Joneses for nuisance-related damages and loss of enjoyment of their property.

CASE DETAILS

COURT	Louisiana Court of Appeal, Second Circuit
WRITING FOR THE COURT	Hunter, J.; Marcotte, J.; Ellender, J.
JURISDICTION	Louisiana Court of Appeal, Second Circuit
DECIDED	January 14, 2026
DOCKET	No. 56,654-CA; No. 56,655-CA (consolidated cases)
DISPOSITION	affirmed
PROCEDURAL POSTURE	Consolidated appeals from a bench-trial judgment fixing the boundary between adjoining properties, issuing a permanent injunction, and awarding damages to the Joneses.
STANDARD OF REVIEW	The appellate court reviewed the boundary determination and other factual determinations for manifest error or clear wrongness. It found no manifest error in the boundary and injunction rulings and no abuse of discretion in the damages award.
PRECEDENTIAL VALUE	published
PARTIES	Jesse Justin Colvin, Ruby Sue Hill Colvin, Robert Bradford Jones, Roni Michelle Reppond Jones v. Robert Bradford Jones, Roni Michelle Reppond Jones, Jesse Justin Colvin, Ruby Sue Hill Colvin

TOPICS

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PRACTICE AREAS

real estate property law nuisance injunctive relief appellate procedure

QUESTIONS PRESENTED

1. Whether the district court erred in fixing the boundary at the old downed combination fence rather than according to the parties' titles or the surveys.
2. Whether the district court properly issued a permanent injunction requiring removal of the Colvins' signs, posts, lights, and flagging materials and prohibiting similar materials at the boundary.
3. Whether the Joneses proved real and irreparable damage sufficient to support the injunction and a \$7,500 award to each Jones.
4. Whether the district court erred by failing to award monetary damages to the Colvins.

HOLDINGS

1. A boundary action is distinct from a possessory action, and when title evidence does not resolve a disputed boundary, the boundary may be fixed according to the limits established by possession. The district court did not manifestly err in finding that the old downed combination fence represented those limits and in fixing the boundary there.
2. The Joneses established real damage and irreparable injury from the Colvins' intentional and substantial interference with their quiet enjoyment of their property. The permanent injunction requiring removal of the signs, posts, lights, and flagging materials and prohibiting similar conduct was proper.
3. Serious and material discomfort, including stress, worry, sleep disturbance, and loss of enjoyment of property, may constitute real damage even without physical injury, medical proof, or financial loss. The district court did not abuse its discretion in awarding \$7,500 to each Jones.

KEY QUOTATIONS

"A boundary action is a real action under the Code of Civil Procedure that is distinct from a possessory and a petitory action." (2)

"An injunction shall be issued in cases where irreparable injury, loss, or damage may otherwise result to the applicant." (8)

"The frequent disruption of the plaintiffs' sleep, combined with their worry, apprehension, stress, inconvenience, and loss of enjoyment of their property, is sufficient to constitute serious and material discomfort to persons of normal sensibilities in a normal state of health." (12)

FACTUAL BACKGROUND

The Colvins owned a twenty-three-acre property and the Joneses owned an adjoining one-acre property in Union Parish. The parties disputed whether the boundary was the northern line shown on surveys or an old downed combination fence located farther south. After the dispute escalated, Jesse Colvin placed large no-trespassing and insulting signs, a dead cow, construction fencing, high-intensity lights, and loud generators near or directed toward the Jones property. The trial court found that the old fence represented the limits established by possession and that the Colvins' conduct intentionally caused fear, anxiety, sleep disturbance, and loss of enjoyment of the Joneses' property.

PROCEDURAL HISTORY

The Colvins filed a boundary action in the Third Judicial District Court for the Parish of Union. The Joneses filed claims for a permanent injunction and damages based on the Colvins' alleged harassing signs, dead cow, construction fencing, bright lights, and generator noise. After a bench trial, the district court fixed the boundary at the old downed combination fence, ordered the Colvins to remove specified materials and refrain from similar conduct, and awarded Jesse Colvin liability for \$7,500 to each Jones. The Colvins appealed, and the consolidated appellate judgment affirmed.

DISPOSITION

affirmed

CASES CITED

- Hooper v. Hero Lands Co., 216 So. 3d 965 (La. App. 4 Cir. 2016), writ denied, 206 So. 3d 205 (La. 2016)
- Bowman v. Blankenship, 785 So. 2d 134 (La. App. 2 Cir. 2001), writ denied, 794 So. 2d 794 (La. 2001)
- Fabre v. Manton, 343 So. 3d 821 (La. App. 1 Cir. 2022)
- Horaist v. Pratt, 312 So. 3d 1093 (La. 2021)
- Cumpton v. Dragon Ests., LLC, 399 So. 3d 676 (La. App. 2 Cir. 2024)
- Marcello v. Jo-Blanche Corp., 330 So. 3d 632 (La. App. 1 Cir. 2021), writ denied, 331 So. 3d 330 (La. 2022)
- Hebert v. Superior Rental Props., LLC, 405 So. 3d 704 (La. App. 1 Cir. 2024)
- Succession of Smith v. Portie, 289 So. 3d 77 (La. App. 3 Cir. 2019)
- Taylor v. Denka Performance Elastomer LLC, 332 F. Supp. 3d 1039 (E.D. La. 2018)
- Fos v. Thomassie, 26 So. 2d 402 (La. App. Orl. 1946)
- Diefenthal v. Longue Vue Mgmt. Corp., 561 So. 2d 44 (La. 1990)
- Salter v. B.W.S. Corp., Inc., 290 So. 2d 821 (La. 1974)
- Hilliard v. Shuff, 256 So. 2d 127 (La. 1972)
- Rodrigue v. Copeland, 475 So. 2d 1071 (La. 1985)
- Par. of E. Feliciana ex rel. E. Feliciana Par. Police Jury v. Guidry, 923 So. 2d 45 (La. App. 1 Cir. 2005), writ denied, 925 So. 2d 515 (La. 2006)
- Hayes Fund for First United Methodist Church of Welsh, LLC v. Kerr-McGee Rocky Mountain, LLC, 193 So. 3d 1110 (La. 2015)
- Detraz v. Lee, 950 So. 2d 557 (La. 2007)

- Markerson v. Composite Architectural Design Sys., LLC, 255 So. 3d 1065 (La. App. 1 Cir. 2018)
- Butler v. Baber, 529 So. 2d 374 (La. 1988)
- Perniciaro v. Hamed, 309 So. 3d 813 (La. App. 5 Cir. 2020)
- Badke v. USA Speedway, LLC, 139 So. 3d 1117 (La. App. 2 Cir. 2014), writ denied, 151 So. 3d 606 (La. 2014)

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