

VERMONT SUPERIOR COURT, CIVIL DIVISION, WASHINGTON UNIT

Damian Renzello v. Mark Browning et al.

Renzello v. Browning · No. 24-CV-04159 · Decided March 30, 2026

SUMMARY

The Vermont Superior Court granted defendants’ motion for summary judgment on Damian Renzello’s claims of legal title and adverse possession concerning property in East Montpelier, Vermont. The court held that Renzello had no legal or equitable title and that his permissive occupancy did not satisfy the requirements for adverse possession. Renzello’s implied unjust-enrichment claim survived, limited to potential monetary damages, and the court ordered a status conference to address discovery, trial readiness, and possible coordination with a related eviction matter.

CASE DETAILS

COURT	Vermont Superior Court, Civil Division, Washington Unit
WRITING FOR THE COURT	Daniel Richardson
JURISDICTION	Vermont Superior Court, Civil Division, Washington Unit
DECIDED	March 30, 2026
DOCKET	24-CV-04159
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff opposed defendants' motion for summary judgment concerning title, adverse possession, and equitable claims involving residential real property. The court granted summary judgment on the title and adverse-possession claims but allowed the unjust-enrichment claim to proceed to further discovery and possible trial.
STANDARD OF REVIEW	Under V.R.C.P. 56, summary judgment is proper when the movant shows that no genuine dispute exists as to any material fact and the movant is entitled to judgment as a matter of law. The nonmoving party must identify admissible evidence creating a genuine dispute, while the court gives that party the benefit of reasonable doubts and inferences.
PRECEDENTIAL VALUE	Unknown
PARTIES	Damian Renzello v. Mark Browning, Quinn McDonagh, Trustee of the Luellen McDonagh Real Estate Trust, other defendants

TOPICS

title disputes adverse possession summary judgment eviction real estate

PRACTICE AREAS

real estate civil procedure property remedies restitution probate

QUESTIONS PRESENTED

1. Whether Damian Renzello had legal or equitable title to the property despite never receiving a deed or other written conveyance.
2. Whether Renzello established a genuine dispute of material fact supporting an adverse-possession claim.
3. Whether Renzello's allegations concerning contributions to the property's purchase, maintenance, or improvement stated a potentially viable unjust-enrichment claim that survived summary judgment.
4. Whether Renzello had an ownership-based right to continue occupying the property.

HOLDINGS

1. Renzello had no legal or equitable title to the property because he was never conveyed an interest by deed, no enforceable written agreement vested title in him, and the evidence did not establish a recognized exception to Vermont's statute of frauds.
2. Renzello could not establish adverse possession because the evidence did not show open, notorious, hostile, exclusive, and continuous possession under a claim of title or right for at least fifteen years.
3. Renzello's unjust-enrichment claim survived summary judgment because his allegations that he made expenditures to maintain, improve, or add value to property he reasonably expected to retain or acquire could support a restitution claim, although monetary relief only remained available.
4. Because Renzello lacked legal or equitable title, he had no ownership-based right to occupy the property; any continuing right to possession was governed by eviction law rather than ownership.

KEY QUOTATIONS

"In no case that the Court has found is there a right for an individual to claim title to the property that was never deeded to him, never sought to be deeded to him, and for which there is no evidence that the parties expressed—through writing or action—an intent to deed the property to him." (4)

"Individuals who reside on property without asserting a claim of ownership or who fail to treat their claim as exclusive or controlling claim of ownership cannot, as a matter of law, establish adverse possession." (6)

"Plaintiff's bid to either prevent his removal from the property or dictate who may use the property was premised on establishing a claim of ownership." (7)

FACTUAL BACKGROUND

Patricia Renzello purchased the property in 2000 and, in 2001, conveyed all of her interest by warranty deed to her daughter, Luellen McDonagh, without reserving rights or documenting any agreement to preserve an interest

for herself or Damian Renzello. Damian continued living in the mobile home on the property with the owners' permission, but he was never listed in the chain of title and did not assert an ownership claim until approximately 2017. In 2016, McDonagh conveyed the property to the Luellen McDonagh Real Estate Trust, of which Quinn McDonagh became trustee. Damian claimed legal or equitable ownership based on alleged contributions, oral understandings, and adverse possession, but the record showed no deed to him, no written ownership agreement, and no hostile or exclusive possession.

PROCEDURAL HISTORY

Damian Renzello brought claims asserting ownership of land and improvements at 1325 Vermont Route 14 in East Montpelier. Defendants, the record owners and trustee of the Luellen McDonagh Real Estate Trust, moved for summary judgment. The court determined that no genuine dispute of material fact existed as to legal title or adverse possession, dismissed those claims, and scheduled a status conference regarding discovery, trial readiness, and possible consolidation with a related eviction action.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The court directed that a status conference be set to address additional discovery, trial readiness on unjust enrichment, whether the related eviction claim was ripe for partial adjudication concerning possession, and whether damages in the eviction case should be consolidated with the unjust-enrichment claims.

CASES CITED

- *Samplid Enterp., Inc. v. First Vt. Bank*, 165 Vt. 22, 25 (1998)
- *Boyd v. State*, 2022 VT 12, ¶ 19, 216 Vt. 272
- *Gross v. Turner*, 2018 VT 80, ¶ 8, 208 Vt. 112
- *Gilman v. Maine Mut. Fire Ins. Co.*, 2003 VT 55, ¶ 7, 175 Vt. 554
- *Brousseau v. Brousseau*, 2007 VT 77, 182 Vt. 533
- *Couture v. Lowery*, 122 Vt. 239, 243–44 (1961)
- *Quenneville v. Buttolph*, 2003 VT 82, ¶ 18
- *Bassler v. Bassler*, 156 Vt. 353, 358 (1991)
- *First Congregational Church of Enosburg v. Manley*, 2008 VT 9, ¶ 13
- *Jarvis v. Gillespie*, 155 Vt. 633, 638, 641 (1991)
- *Community Feed Store, Inc. v. Northeastern Culvert Corp.*, 151 Vt. 152, 156 (1989)
- *Lawrence v. Pelletier*, 154 Vt. 29, 33 (1990)
- *Laird Properties New England Syndicate v. Mad River Corp.*, 131 Vt. 268, 278 (1973)
- *In re Estate of Luellen McDonagh*, Dckt. No. 185-3-17 Wnpr.

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