

SUPREME COURT OF MISSISSIPPI

Willie Crowell v. Anne Butts d/b/a Magnolia Wrecker & Towing Service and Fani Atkinson

153 So. 3d 684 (Miss. 2014) · No. No. 2012-CT-00763-SCT · Decided October 23, 2014

SUMMARY

The Mississippi Supreme Court reviewed a replevin action involving vehicles towed from leased property at the landlord's request. The court held that the lower courts improperly rendered formal judgment on the lawfulness of the landlord's self-help because no formal claim on that issue was before them, while recognizing that the issue could be relevant to determining the towing company's right to retain the vehicles. The court affirmed in part and reversed in part, reversing the Hinds County Circuit Court's judgment and remanding for further proceedings.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Justice King; Chief Justice Waller; Presiding Justice Dickinson; Presiding Justice Randolph; Justice Kitchens; Justice Chandler; Justice Pierce; Justice Coleman; Justice Lamar
JURISDICTION	Mississippi
DECIDED	October 23, 2014
DOCKET	No. 2012-CT-00763-SCT
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	On writ of certiorari from the Mississippi Court of Appeals in a replevin action. The Court of Appeals had reversed the county court's dismissal of the replevin claim against the towing company, remanded for a trial de novo, and rendered judgment that the landlord's self-help repossession was unlawful.
STANDARD OF REVIEW	A Rule 41(b) motion to dismiss, including a directed verdict in a bench trial, is reviewed under the substantial-evidence/manifest-error standard. The trial judge considers the evidence fairly, rather than in the light most favorable to the nonmovant, and should dismiss if the judge would find for the movant.
PRECEDENTIAL VALUE	Published en banc opinion of the Supreme Court of Mississippi; precedential.

PARTIES

Willie Crowell v. Anne Butts d/b/a Magnolia Wrecker & Towing Service, Fani Atkinson

TOPICS

replevin subject matter jurisdiction appellate procedure civil procedure statutory interpretation

PRACTICE AREAS

Civil procedure Replevin Landlord-tenant law Appellate procedure Remedies

QUESTIONS PRESENTED

1. Whether the trial court and Court of Appeals improperly rendered formal judgments determining the lawfulness of Atkinson's self-help when no formal self-help claim was before either court.
2. Whether the issue of Atkinson's self-help could nevertheless be examined as part of determining Crowell's replevin claim against Butts.
3. Whether the evidence was sufficient to maintain Crowell's replevin action against Butts.

HOLDINGS

1. Because no formal ancillary or pendent claim concerning Atkinson's use of self-help was before the county court, circuit court, or Court of Appeals, those courts erred by rendering formal judgments on that issue.
2. The trial court was not prohibited from examining Atkinson's use of self-help insofar as that issue was relevant to determining whether Butts wrongfully took or detained the vehicles and whether Butts had superior authority to retain them under the towing and storage lien statute, but the court could not render a formal judgment on self-help as an independent claim.
3. The Court of Appeals properly reversed the dismissal of Crowell's replevin action against Butts and remanded for a trial de novo.
4. A directed verdict granted in a bench trial is procedurally a Rule 41(b) dismissal on the merits and is reviewed under the substantial-evidence/manifest-error standard.

KEY QUOTATIONS

“Thus, neither the trial court nor the Court of Appeals had before it a formal claim regarding Atkinson’s use of self-help; thus, rendering a formal judgment on the issue was inappropriate, as the claim was not before either court.” (¶8)

“However, that issue is not a “claim” for which the trial court should render formal judgment.” (¶9)

“We affirm the judgment of the Court of Appeals on the issue of replevin. However, because no formal claim exists in this case on the issue of Atkinson’s use of self-help, no formal judgment should have been rendered on the issue.” (¶10)

FACTUAL BACKGROUND

Crowell leased land and a metal building from Fani Atkinson for use as an auto-repair shop, but became delinquent in rent. After Atkinson gave notice of default and threatened to have the equipment towed, Anne Butts towed thirty-seven vehicles from the premises at Atkinson's request, and Atkinson changed the gate lock. Crowell claimed a superior right to possess the vehicles and filed a replevin action, while Butts asserted a statutory towing and storage lien. The county court dismissed the action before a complete trial, preventing full development of whether the vehicles qualified for the statutory lien and whether Crowell or Butts had the superior right to possession.

PROCEDURAL HISTORY

Crowell sued Atkinson and Butts in Hinds County County Court seeking possession of thirty-seven vehicles removed from leased premises. After a bench trial, the county court granted the defendants' motion for directed verdict, treated procedurally as an involuntary dismissal under Mississippi Rule of Civil Procedure 41(b), and ruled that Atkinson's reentry was lawful. The Hinds County Circuit Court affirmed. The Court of Appeals reversed and remanded the replevin claim for trial and reversed and rendered judgment against Atkinson on the self-help issue. The Mississippi Supreme Court granted Atkinson's certiorari petition, affirmed the Court of Appeals' disposition of the replevin claim, reversed its judgment on self-help, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the Hinds County Circuit Court for further proceedings consistent with the opinion, including a trial de novo on the replevin action. The trial court may examine the self-help issue as relevant to the replevin claim, but may not render a formal judgment on self-help as an independent claim.

CASES CITED

- Double J Farmlands, Inc. v. Paradise Baptist Church, 999 So. 2d 826, 829 (Miss. 2008)
- Stewart v. Merchants National Bank, 700 So. 2d 255, 259 (Miss. 1997)
- Century 21 Deep South Properties, Ltd. v. Corson, 612 So. 2d 359, 369 (Miss. 1992)
- Hall v. Corbin, 478 So. 2d 253, 254-55 (Miss. 1985)
- Ainsworth v. Blakeny, 98 So. 2d 880, 883 (Miss. 1957)
- Crowell v. Butts, 2012-CA-00763-COA, 2013 WL 6442149, at *1-*4 (Miss. Ct. App. Dec. 10, 2013)