

SUPREME COURT OF RHODE ISLAND

Charles Martin et al. v. Glen Wilson et al.

Supreme Court No. 2018-339-Appeal (R.I. Mar. 19, 2021) · No. 2018-339-Appeal · Decided March 19, 2021

SUMMARY

The Rhode Island Supreme Court reviewed a dispute between adjacent property owners concerning use of a common driveway and alleged right-of-way easement. The Court held that the trial justice properly considered extrinsic evidence to determine whether an implied easement existed and affirmed the injunction permitting the plaintiffs to use the disputed portion of the driveway. The Court also upheld dismissal of the defendants' related counterclaims as moot.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Chief Justice Paul A. Suttell; Chief Justice Suttell; Justice Goldberg; Justice Flaherty; Justice Robinson
JURISDICTION	Rhode Island
DECIDED	March 19, 2021
DOCKET	2018-339-Appeal
DISPOSITION	affirmed
PROCEDURAL POSTURE	The defendants appealed from a Superior Court judgment granting the plaintiffs injunctive relief allowing access to a common driveway and enjoining interference with that use, while dismissing the defendants' counterclaims for trespass and injunctive relief.
STANDARD OF REVIEW	The Supreme Court will not disturb factual findings of a trial justice sitting without a jury unless they are clearly erroneous or the trial justice misconceived or overlooked material evidence; it gives great weight to credibility determinations and reviews questions of law de novo. A grant or denial of a permanent injunction is reviewed for misapplication of law, misconception or overlooking of material evidence, or clearly erroneous factual findings, and the issuance and measure of injunctive relief are reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Glen Wilson, Valerie Wilson v. Charles Martin, Nicole Martin

TOPICS

implied easements

easements

equitable relief

appellate procedure

standard of review

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the trial justice improperly admitted extrinsic evidence concerning the circumstances surrounding the deeds when determining whether an implied easement existed.
2. Whether clear and convincing evidence established a continuous and apparent use of the disputed common-driveway area before severance and that the easement was reasonably necessary for the convenient and comfortable enjoyment of the Martins' property.
3. Whether the Wilsons' counterclaims and related claims were moot once the court determined that an implied easement existed.

HOLDINGS

1. Although the deeds were clear and unambiguous and did not create an express easement, the trial justice properly considered testimony, maps, and other extrinsic evidence to determine whether an implied easement existed.
2. The Martins established by clear and convincing evidence an implied easement over the disputed portion of the common driveway.
3. The Wilsons' claims for declaratory judgment, trespass, and equitable relief were moot because the court upheld the existence of the implied easement.

KEY QUOTATIONS

*“The proper inquiry for the existence of an easement by implication * * * focuses on the facts and circumstances at the time of severance.” (17)*

“Thus, we are of the opinion that the trial justice appropriately considered Mr. Duhamel’s testimony and trial exhibits not referenced in the deeds to determine whether or not an implied easement existed.” (18)

“We think it no less reasonable that large commercial vehicles, such as school buses and delivery trucks, be able to use the disputed area for turning around in order to descend the hill safely today than it was for construction vehicles to use the same area before the lots were severed in 1996.” (20-21)

“Because we uphold the trial justice’s determination that an implied easement exists, these claims are moot.” (22)

FACTUAL BACKGROUND

The parties owned adjacent lots in the North County Estates subdivision in Richmond, Rhode Island, and both accessed their homes through a common driveway system created during development of the subdivision. The

deeds to both lots referenced a subdivision map that did not depict the common driveway, although a separate right-of-way plan was recorded at the same time. The Wilsons later blocked the disputed portion of the driveway with parked vehicles, a fence, rocks, and a chain, preventing school buses and other large vehicles from safely maneuvering and exiting the Martins' property. The trial evidence showed that the common driveway was used during subdivision construction and was reasonably necessary for access because wetlands and other development restrictions limited access routes.

PROCEDURAL HISTORY

The Martins filed suit in the Washington County Superior Court seeking permanent injunctive relief concerning their use of a disputed portion of a common driveway. The Wilsons counterclaimed for trespass, declaratory relief, and equitable relief. After a two-day bench trial, the trial justice found an implied easement, granted the Martins an injunction, and determined that the Wilsons' claims were moot. Final judgment was entered on October 24, 2018, and the Wilsons timely appealed. The Rhode Island Supreme Court affirmed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The record was ordered returned to the Superior Court.

CASES CITED

- Quillen v. Macera, 160 A.3d 1006, 1010 (R.I. 2017)
- Gregoire v. Baird Properties, LLC, 138 A.3d 182, 191-192 (R.I. 2016)
- JHRW, LLC v. Seaport Studios, Inc., 212 A.3d 168, 175 (R.I. 2019)
- Nye v. Brousseau, 992 A.2d 1002, 1010 (R.I. 2010)
- Cullen v. Tarini, 15 A.3d 968, 981 (R.I. 2011)
- Keystone Elevator Co. v. Johnson & Wales University, 850 A.2d 912, 921 (R.I. 2004)
- Fleet National Bank v. 175 Post Road, LLC, 851 A.2d 267, 276 (R.I. 2004)
- Management Capital, L.L.C. v. F.A.F., Inc., 209 A.3d 1162, 1174 (R.I. 2019)
- Carlsten v. Oscar Gruss & Son, Inc., 853 A.2d 1191, 1195 (R.I. 2004)
- Vaillancourt v. Motta, 986 A.2d 985, 987-988 (R.I. 2009)
- Caluori v. Dexter Credit Union, 79 A.3d 823, 830 (R.I. 2013)
- Wellington Condominium Association v. Wellington Cove Condominium Association, 68 A.3d 594, 603 (R.I. 2013)
- Hilley v. Lawrence, 972 A.2d 643, 650 (R.I. 2009)
- Wiesel v. Smira, 49 R.I. 246, 250, 142 A. 148, 150 (1928)
- Hallsmith-Sysco Food Services, LLC v. Marques, 970 A.2d 1211, 1213 (R.I. 2009)
- State v. Medical Malpractice Joint Underwriting Association, 941 A.2d 219, 220 (R.I. 2008)

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