

SUPREME COURT OF UTAH

Q-2 L.L.C. v. Hughes

2016 UT 8 · No. 20140131 · Decided February 16, 2016

SUMMARY

The Utah Supreme Court held that title under the doctrine of boundary by acquiescence transfers by operation of law when the doctrine's elements are satisfied, rather than upon entry of a judicial decree. The court reaffirmed prior Utah precedent and concluded that a later quiet-title judgment determines when title vested but does not itself confer title.

CASE DETAILS

COURT	Supreme Court of Utah
WRITING FOR THE COURT	Chief Justice Durrant; Associate Chief Justice Lee; Justice Durham; Justice Himonas
JURISDICTION	Utah
DECIDED	February 16, 2016
DOCKET	20140131
DISPOSITION	affirmed
PROCEDURAL POSTURE	Q-2 petitioned for certiorari review of the Utah Court of Appeals' decision concerning when title transfers under the doctrine of boundary by acquiescence.
STANDARD OF REVIEW	The interpretation of common-law principles is reviewed for correctness. On certiorari, the court reviews the decision of the court of appeals, not the trial court.
PRECEDENTIAL VALUE	Published Utah Supreme Court opinion; binding precedent in Utah.
PARTIES	Q-2 L.L.C. v. Wayne L. Hughes, Sr., Patricia L. Hampton-Hughes

TOPICS

- real estate
- title disputes
- quiet title
- adverse possession

PRACTICE AREAS

- Real estate law
- Property law
- Boundary disputes

QUESTIONS PRESENTED

1. When does title transfer under Utah's doctrine of boundary by acquiescence—when the elements are satisfied by operation of law or when a trial court enters a judicial decree?
2. Whether the court should depart from Utah precedent and require judicial adjudication before title transfers under boundary by acquiescence.

HOLDINGS

1. A party obtains title under Utah's doctrine of boundary by acquiescence by operation of law when the elements of the doctrine are satisfied, not when a court later enters a decree. Judicial adjudication determines the prior point at which title vested; it does not itself confer title.

KEY QUOTATIONS

“Rather, it merely determines the prior point at which title vested.” (§ 14)

“We therefore hold that the boundary by acquiescence doctrine confers title by operation of law at the time the elements of the doctrine are satisfied and that a judicial adjudication of a boundary dispute does not grant title, but merely recognizes the title that has already vested.” (§ 24)

FACTUAL BACKGROUND

The parties and their predecessors used an old fence line as the boundary between neighboring Syracuse, Utah, properties from 1927 to 1971, even though the fence stood on the eastern parcel and excluded part of the eastern owners' record property. The Hugheses acquired the eastern parcel in 1998, by which time the fence had deteriorated and was no longer visible; they used the land up to the record boundary, including the disputed strip. After a predecessor's successful boundary-by-acquiescence litigation, Q-2 notified the Hugheses in 2005 that their continued use of the disputed property was trespassing and filed its own quiet-title action in 2008.

PROCEDURAL HISTORY

The Hugheses acquired the eastern parcel in 1998 and later occupied land west of the record boundary. Q-2 filed a quiet-title action in 2008, asserting boundary by acquiescence; the Hugheses counterclaimed for adverse possession. The district court quieted title in Q-2 and dismissed the adverse-possession counterclaim on summary judgment. The Utah Court of Appeals affirmed the boundary-by-acquiescence determination, reversed the summary-judgment dismissal of the counterclaim, and remanded. The Utah Supreme Court granted Q-2's petition for certiorari but limited review to the timing of title transfer under boundary by acquiescence.

DISPOSITION

affirmed

CASES CITED

- Dahl Investment Co. v. Hughes, 2004 UT App 391, 101 P.3d 830
- Q-2, LLC v. Hughes, 2014 UT App 19, 319 P.3d 732

- Brown v. Peterson Development Co., 622 P.2d 1175 (Utah 1980)
- RHN Corp. v. Veibell, 2004 UT 60, 96 P.3d 935
- King v. Fronk, 378 P.2d 893 (Utah 1963)
- Essential Botanical Farms, LC v. Kay, 2011 UT 71, 270 P.3d 430
- Suitzgable v. Worseldine, 15 P. 144 (Utah 1887)
- Staker v. Ainsworth, 785 P.2d 417 (Utah 1990)
- Jacobs v. Hafen, 917 P.2d 1078 (Utah 1996)
- Hobson v. Pangutch Lake Corp., 530 P.2d 792 (Utah 1975)
- Rydalch v. Anderson, 107 P. 25 (Utah 1910)
- Toltec Ranch Co. v. Babcock, 66 P. 876 (Utah 1901)
- Elder v. Nephi City ex rel. Brough, 2007 UT 46, 164 P.3d 1238
- Murdock v. Zier, 137 P.3d 147 (Wyo. 2006)
- Celebration Worship Center, Inc. v. Tucker, 35 N.E.3d 251 (Ind. 2015)
- Graybill v. Lampman, 332 P.3d 511 (Wyo. 2014)
- Glenn v. Player, 326 P.2d 717 (Utah 1958)
- Cottrell v. Pickering, 88 P. 696 (Utah 1907)
- Jacobson v. Jacobson, 557 P.2d 156 (Utah 1976)
- John Holmes Construction, Inc. v. R.A. McKell Excavating, Inc., 2005 UT 83, 131 P.3d 199
- Associated General Contractors v. Board of Oil, Gas & Mining, 2001 UT 112, 38 P.3d 291
- Colquhoun v. Webber, 684 A.2d 405 (Me. 1996)
- Mahoney v. Tara, LLC, 107 A.3d 887 (Vt. 2014)
- Gorte v. Department of Transportation, 507 N.W.2d 797 (Mich. Ct. App. 1993)
- Williams v. Frymire, 186 S.W.3d 912 (Mo. Ct. App. 2006)
- Gorman v. City of Woodinville, 249 P.3d 1040 (Wash. Ct. App. 2011)
- Goldman v. Quadrato, 114 A.2d 687 (Conn. 1955)