

COURT OF APPEALS OF KENTUCKY

Tyree v. Lucas, 279 Ky. 625

131 S.W.2d 711 (1939) · Decided June 23, 1939

SUMMARY

The Kentucky Court of Appeals affirmed a judgment concerning competing claims to a tract of land, adverse possession, and the validity of conveyances under Kentucky's champerty statute. The court held that the evidence supported the chancellor's finding that the defendants failed to establish title to the disputed land, while affirming the determination that a deed was champertous as to the portion occupied by one defendant.

CASE DETAILS

COURT	Court of Appeals of Kentucky
WRITING FOR THE COURT	Creal; Stephenson
JURISDICTION	Kentucky
DECIDED	June 23, 1939
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendants appealed from a final judgment in an equitable action involving title, possession, timber damages, and a claim that the plaintiffs' deeds were champertous.
STANDARD OF REVIEW	A chancellor's factual findings will not be disturbed where the evidence is conflicting and, considered as a whole, leaves the reviewing court unable to say with reasonable certainty that the chancellor erred.
PRECEDENTIAL VALUE	Published Kentucky appellate decision
PARTIES	Alex Tyree, Other heirs of H.G. Tyree, Garfield Hampton v. Eli Lucas, Polly Lucas

TOPICS

- title disputes
- adverse possession
- quiet title
- appellate procedure
- standard of review

PRACTICE AREAS

- real estate
- property law
- appellate procedure
- remedies

QUESTIONS PRESENTED

1. Whether the defendants established title to the disputed land by deed or adverse possession.
2. Whether the plaintiffs' deeds were champertous and void as to the entire tract or only as to the area actually possessed by Alex Tyree.
3. Whether the trial court's factual findings should be disturbed on appeal because the evidence was conflicting.
4. Whether the defendants were entitled to judgment on their counterclaim quieting title to the entire tract.

HOLDINGS

1. The defendants failed to establish title by deed or adverse possession to the land described in the plaintiffs' petition.
2. The trial court properly treated the plaintiffs' deed as champertous and void as to the house, barn, and enclosures actually occupied by Alex Tyree, while the appellate court did not determine whether that ruling was correct as a matter of evidentiary weight because the plaintiffs did not file a cross-appeal.
3. The defendants were not entitled to have their title quieted or to obtain possession of the entire tract because they failed to prove title to the land described in their counterclaim.

KEY QUOTATIONS

“It is a fixed rule that where the evidence is conflicting and on the whole the mind is left in such doubt that it cannot be said with reasonable certainty that the chancellor erred, his findings on questions of fact should not be disturbed.” (at 628-629)

“Manifestly this case calls for the application of that rule and is a demonstration of the wisdom and the sound reasons underlying it.” (at 629)

FACTUAL BACKGROUND

Eli and Polly Lucas claimed ownership and possession of the C.V. Brown tract and alleged that Alex Tyree had entered the land and cut timber. Tyree and other heirs claimed the entire tract under an allegedly destroyed deed to their father and asserted more than twenty years of adverse possession, as well as champerty under Section 210 of the Kentucky Statutes. The evidence was sharply conflicting concerning the alleged deed, the parties' possession, and whether Tyree recognized the Lucas title. The trial court found that the defendants failed to prove title to the entire tract but that Alex Tyree adversely possessed the house, barn, and surrounding enclosures.

PROCEDURAL HISTORY

The trial court found that the defendants failed to establish title by deed or adverse possession to the land claimed in their counterclaim. It found that Alex Tyree was in adverse possession of the house, barn, and surrounding enclosures, held the plaintiffs' deed champertous and void as to that occupied area, awarded the plaintiffs the remainder of the Brown tract, and dismissed the defendants' counterclaim. The defendants appealed, and the Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Kenton v. Owens, 228 Ky. 522, 15 S.W.2d 487
- Lewis v. Williams, 192 Ky. 716, 234 S.W. 317
- Begley v. Erasmie, 205 Ky. 240, 265 S.W. 833, 834

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