

SUPREME COURT OF THE STATE OF ALASKA

Fink v. Municipality of Anchorage

379 P.3d 183 (Alaska 2016) · No. S-15614 · Decided September 16, 2016

SUMMARY

The Alaska Supreme Court affirmed the superior court’s judgment in a dispute over whether property owners’ lots extended from the top of a bluff to the pre-earthquake mean high-tide line along Knik Arm. The court held that the lot owners waived their right to a jury trial on the title issue and failed to establish a legal interest in the disputed property superior to the Municipality of Anchorage’s interest. The court also upheld the superior court’s factual findings concerning the subdivider’s intent and the applicable property boundaries.

CASE DETAILS

COURT	Supreme Court of the State of Alaska
WRITING FOR THE COURT	Stowers, Chief Justice; Fabe, Justice; Winfree, Justice; Bolger, Justice
JURISDICTION	Alaska
DECIDED	September 16, 2016
DOCKET	S-15614
DISPOSITION	affirmed
PROCEDURAL POSTURE	Property owners appealed after the superior court conducted a bifurcated bench trial on title, concluded that the owners lacked a substantial interest in the disputed parcel, ruled that the Earthslide Relief Act did not apply, and entered judgment for the Municipality.
STANDARD OF REVIEW	Factual findings are reviewed for clear error; legal conclusions, statutory interpretation, deed ambiguity, and whether the correct legal rule was applied are reviewed de novo. Bifurcation and prevailing-party determinations are reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Matthew Fink, Diane Wilke v. Municipality of Anchorage

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QUESTIONS PRESENTED

1. Whether the superior court abused its discretion by bifurcating the title issue from the ejectment claim and conducting a bench trial on title despite a jury demand.
2. Whether the lot owners proved a substantial interest, legal estate, or superior title in the disputed parcel.
3. Whether the Earthslide Relief Act required recognition of the lot owners' claimed northern boundary after the 1964 earthquake.
4. Whether the lot owners' claims were barred by the statute of limitations.

HOLDINGS

1. The lot owners waived their right to a jury trial on the title issue by jointly filing a proposed amended pretrial order providing that superior title would be decided during Phase 1 and by failing to meaningfully object to the bench trial after the bifurcation order.
2. The lot owners failed to prove a substantial interest, legal estate, present right to possession, or title superior to the Municipality's title in the disputed parcel.
3. The Earthslide Relief Act did not apply because the earthquake moved surface material but did not move the legal boundaries of the lot owners' property to a different location.

KEY QUOTATIONS

"The touchstone of deed interpretation is the intent of the parties, and where possible, the intentions of the parties will be given effect." (-15)

"In essence, although the surface of the property shifted, the boundaries of the property itself remained in the same place." (-25)

"We AFFIRM the superior court's decision to bifurcate the trial, AFFIRM the superior court's determination that the lot owners did not have a substantial interest in the disputed property, and AFFIRM the superior court's conclusion that the Earthslide Relief Act does not apply to this case." (-26)

FACTUAL BACKGROUND

The dispute concerned a strip of land along Knik Arm in Anchorage adjacent to Lots 2A-5A in Block K of the Turnagain Heights Subdivision. The lots were platted with their northern boundary appearing near the top of a bluff, while the owners claimed that their property extended to the pre-1964 mean high-tide line. The 1964 Good Friday Earthquake caused the bluff and surface material to slide toward Knik Arm, creating developable land and new land between the pre-earthquake and post-earthquake mean high-tide lines. The Municipality owned the new land and disputed the owners' claim to the intervening parcel.

PROCEDURAL HISTORY

The owners of Lots 2A-5A sued the Municipality under the Earthslide Relief Act and to quiet title. They later added an ejectment claim and sought cancellation of a quitclaim deed. The superior court granted partial summary judgment dismissing the quiet-title cause of action because the Municipality possessed the property, bifurcated the title issue from the ejectment claim, conducted a bench trial on title, and ruled for the Municipality. The Alaska Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Wickwire v. City & Borough of Juneau, 557 P.2d 783, 785 n.7 (Alaska 1976)
- Davis v. Tant, 361 P.2d 763, 766 (Alaska 1961)
- Estate of Smith v. Spinelli, 216 P.3d 524, 528-30, 533 (Alaska 2009)
- Pacific Coal & Transp. Co. v. Pioneer Mining Co., 205 F. 577, 579 (9th Cir. 1913)
- McGill v. Wahl, 839 P.2d 393, 396 (Alaska 1992)
- Baker v. Ryan Air, Inc., 345 P.3d 101, 106 (Alaska 2015)
- Simone H. v. State, Dep't of Health & Soc. Servs., Office of Children's Servs., 320 P.3d 284, 288 (Alaska 2014)
- Norken Corp. v. McGahan, 823 P.2d 622, 625-26, 629 (Alaska 1991)
- Jimerson v. Tetlin Native Corp., 144 P.3d 470, 472 (Alaska 2006)
- Kodiak Island Borough v. Roe, 63 P.3d 1009, 1012 n.6 (Alaska 2003)
- Pastos v. State, 194 P.3d 387, 391 (Alaska 2008)
- Stanhope v. Stanhope, 306 P.3d 1282, 1286 (Alaska 2013)
- Hanson v. Hanson, 125 P.3d 299, 304 (Alaska 2005)
- Sever v. Alaska Pulp Corp., 931 P.2d 354, 361 n.10 (Alaska 1996)
- A.M. v. State, 891 P.2d 815, 828 (Alaska 1995)
- Continental Ins. Co. v. U.S. Fid. & Guar. Co., 552 P.2d 1122, 1125 (Alaska 1976)
- Farnsworth v. Steiner, 638 P.2d 181 (Alaska 1981)
- Ranes & Shine, LLC v. MacDonald Miller Alaska, Inc., 355 P.3d 503, 508 (Alaska 2015)
- Tufco, Inc. v. Pacific Envtl. Corp., 113 P.3d 668, 671 (Alaska 2005)
- Shope v. Sims, 658 P.2d 1336, 1338-41 (Alaska 1983)
- Beacon Theatres, Inc. v. Westover, 359 U.S. 500 (1959)
- Hollembaek v. Alaska Rural Rehabilitation Corp., 447 P.2d 67, 68-69 (Alaska 1968)
- Fairbanks Publishing Co. v. Francisco, 390 P.2d 784, 799 (Alaska 1964)
- White v. McGinnis, 903 F.2d 699, 700-03 (9th Cir. 1990)
- Ashley v. Baker, 867 P.2d 792, 794 (Alaska 1994)
- In re Adoption of S.K.L.H., 204 P.3d 320, 325 (Alaska 2009)

- Tessa M. v. State, Dep't of Health & Soc. Servs., 182 P.3d 1110, 1114 (Alaska 2008)
- Wright v. Prior, 417 P.2d 602, 603 (Alaska 1966)
- State, Dep't of Revenue v. Municipality of Anchorage, 104 P.3d 120, 122 (Alaska 2004)
- Hendricks-Pearce v. State, Dep't of Corr., 323 P.3d 30, 35 (Alaska 2014)
- Ward v. State, Dep't of Pub. Safety, 288 P.3d 94, 98 (Alaska 2012)

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