SUPREME COURT OF WYOMING

White v. Woods

202 P.3d 1053 (Wyo. 2009) · No. Nos. S-08-0078, S-08-0085 · Decided March 4, 2009

SUMMARY

The Supreme Court of Wyoming reviewed consolidated appeals from summary judgments quieting title to subdivision lots against tax-deed purchasers. The court held that genuine issues of material fact concerning record ownership and the Woods' succession to the prior owners precluded summary judgment, and that the Woods could not challenge certain tax-deed defects without establishing injury, standing, and potential redress. The court reversed and addressed related statutory-limitation issues likely to arise on remand.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Burke, Justice; Voigt, C.J.; Golden, J.; Hill, J.; Kite, J.; Burke, J.
JURISDICTION	Wyoming
DECIDED	March 4, 2009
DOCKET	Nos. S-08-0078, S-08-0085
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Woods brought a quiet-title action challenging tax deeds held by Adamson and the Whites. The district court granted the Woods summary judgment against both groups of defendants, and Adamson and the Whites separately appealed; the appeals were consolidated.
STANDARD OF REVIEW	Summary judgment is reviewed de novo. The appellate court uses the same materials and standards as the district court, views the record most favorably to the nonmoving party, and gives that party the benefit of all favorable inferences.
PRECEDENTIAL VALUE	Published Wyoming Supreme Court opinion; precedential.
PARTIES	Philip White, Kathleen D. White, John D. Adamson v. Willard M. Woods, Cynthia S. Woods

TOPICS

quiet title · title disputes · property tax · summary judgment · appellate procedure

PRACTICE AREAS

real estate · property tax · civil procedure · appellate procedure · remedies

QUESTIONS PRESENTED

1. Whether genuine issues of material fact precluded summary judgment in favor of the Woods.
2. Whether the Woods had standing to challenge Adamson's and the Whites' tax deeds.
3. Whether the applicable statutes of limitation barred the Woods' challenges to the tax deeds.

HOLDINGS

1. Summary judgment for the Woods against the Whites was improper because the record left a genuine issue of material fact concerning who was the record owner of the west half of Lot 66 when the Whites applied for their tax deed in 1979.
2. Summary judgment for the Woods against Adamson was improper because the record presented a genuine issue of material fact concerning whether the Woods were successors in interest to the Kents. Moreover, on the undisputed record Adamson was entitled to judgment as a matter of law on the Woods' challenge to his tax deed because the Woods could not show that invalidating the deed would redress an injury to them.
3. A party challenging a tax deed must show prejudice or injury from statutory noncompliance and must have had, or claim through someone who had, title to or an interest in the property at the time of the tax sale such that a favorable decision could provide redress.
4. Section 34-2-132(a) does not bar a challenge to a tax deed unless the grantee has been in possession of the property continuously for at least six months during the statutory period; the Whites' lack of possession meant the statute did not apply to their tax deed.
5. The six-year limitation period for an action to recover real property sold for nonpayment of taxes does not begin to run in favor of a tax purchaser until the purchaser takes possession. Because the Woods were already in possession and the Whites had never possessed the property, the statute did not bar the Woods' quiet-title action.

KEY QUOTATIONS

> *"Summary judgment is appropriate when there are no genuine issues of material fact and the moving party is entitled to judgment as a matter of law."* (202 P.3d at 1057)

> *"But even if Mr. Adamson's tax deed is invalid, the Woods still have no valid claim to the property."* (202 P.3d at 1062)

> *"Given the character and location of this property, the Woods' use of it for grazing and haying constitutes occupation and possession."* (202 P.3d at 1064)

FACTUAL BACKGROUND

The Te-Ke-Ki Subdivision was created within the Woods ranch property, and several lots were conveyed to third parties before competing conveyances involving the Kents were recorded. After the third-party purchasers failed to pay property taxes, Adamson and the Whites purchased the lots at a 1974 tax sale and received tax deeds in 1980. The Woods acquired the ranch in 1992 and later sought to quiet title to the subdivision lots, relying primarily on adverse possession and asserting that the tax deeds were invalid for statutory notice and recording defects. The Woods had used the disputed property for ranching, including haying and grazing, while Adamson and the Whites had not taken possession.

PROCEDURAL HISTORY

The Woods filed the quiet-title action in 2005, asserting that they owned and possessed the disputed subdivision lots and that the defendants claimed adverse interests. The district court entered default judgments against numerous nonappearing defendants and later granted summary judgment for the Woods against Adamson and the Whites on the ground that their tax deeds were invalid. The Wyoming Supreme Court reversed and remanded, concluding that the Woods had not established facts necessary to support summary judgment.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for further proceedings consistent with the opinion, including resolution of the remaining factual and legal issues concerning the Woods' quiet-title and adverse-possession claims.

CASES CITED

- Metz Beverage Co. v. Wyoming Beverages, Inc., 2002 WY 21, 39 P.3d 1051 (Wyo. 2002)
- Glenn v. Union Pacific R.R. Co., 2008 WY 16, 176 P.3d 640 (Wyo. 2008)
- Jacobs Ranch Coal Co. v. Thunder Basin Coal Co., LLC, 2008 WY 101, 191 P.3d 125 (Wyo. 2008)
- Mathisen v. Thunder Basin Coal Co., LLC, 2007 WY 161, 169 P.3d 61 (Wyo. 2007)
- Barrett v. Barrett, 46 Wyo. 84, 23 P.2d 857 (1933)
- Davis v. Minnesota Baptist Convention, 45 Wyo. 148, 16 P.2d 48 (1932)
- Hackett v. Linch, 57 Wyo. 289, 116 P.2d 868 (1941)
- Kruckenberg v. Ding Masters, Inc., 2008 WY 40, 180 P.3d 895 (Wyo. 2008)
- Knapp v. Landex Corp., 2006 WY 36, 130 P.3d 924 (Wyo. 2006)
- Equality Bank of Evansville v. Suomi, 836 P.2d 325 (Wyo. 1992)
- Lujan v. Defenders of Wildlife, 504 U.S. 555 (1992)
- Barlow v. Lonabaugh, 61 Wyo. 118, 156 P.2d 289 (1945)
- Andrews v. North Side Canal Co., 52 Idaho 117, 12 P.2d 263 (1932)
- Hudson v. Erickson, 67 Wyo. 167, 216 P.2d 379 (1950)
- State ex rel. Bishop v. Bramblette, 43 Wyo. 470, 5 P.2d 279 (1931)

- Burns v. State, 25 Wyo. 491, 173 P. 55 (1918)
- Harris v. Rasmussen, 106 Idaho 322, 678 P.2d 114 (1984)
- Ohio Oil Co. v. Wyoming Agency, 63 Wyo. 187, 179 P.2d 773 (1947)
- Goodrich v. Stobbe, 908 P.2d 416 (Wyo. 1995)
- Davis v. Chadwick, 2002 WY 157, 55 P.3d 1267 (Wyo. 2002)
- Electrolytic Copper Co. v. Rambler Consol. Mines Corp., 34 Wyo. 304, 243 P. 126 (1926)
- Denny v. Stevens, 52 Wyo. 253, 73 P.2d 308 (1937)
- Trefren v. Lewis, 852 P.2d 323 (Wyo. 1993)
- Thompson-Green v. Estate of Drobish, 2006 WY 126, 143 P.3d 897 (Wyo. 2006)
