

COURT OF APPEALS OF OREGON

Besson v. Neal

346 Or. App. 237 (2025) · No. A184778 · Decided December 31, 2025

SUMMARY

The Oregon Court of Appeals held that the trial court retained jurisdiction to adjudicate plaintiffs’ quiet title claim against Anthony Neal after co-defendant Hazardous Property Management, LLC, appealed a limited judgment resolving the claim against it. Because the limited judgment addressed a distinct set of issues involving a different defendant, the appeal split the case into separate parallel parts and did not prevent entry of the general judgment quieting title against Neal.

CASE DETAILS

COURT	Court of Appeals of Oregon
WRITING FOR THE COURT	Hellman, J.; Ortega, Presiding Judge; Joyce, Judge; Hellman, Judge
JURISDICTION	Oregon Court of Appeals
DECIDED	December 31, 2025
DOCKET	A184778
DISPOSITION	affirmed
PROCEDURAL POSTURE	Anthony Neal appealed from a general judgment granting plaintiffs partial summary judgment and quieting title to disputed Clackamas County real property in plaintiffs' favor. Neal argued that the trial court lacked jurisdiction to enter the general judgment because codefendant Hazardous Property Management, LLC, had appealed an earlier limited judgment involving the same property.
STANDARD OF REVIEW	The court reviewed the trial court's decision to continue exercising jurisdiction for legal error because jurisdiction is a legal question. The court noted that the summary judgment standard requires factual issues to be viewed in the nonmovant's favor, but that the jurisdictional issue presented a question of law.
PRECEDENTIAL VALUE	Published Oregon Court of Appeals opinion; precedential.
PARTIES	Anthony Neal v. Jan Dana Besson, Per A. Besson, Carol C. Jonasson, Judith H. Lidstrom, Ann Martin Hill

TOPICS

appellate jurisdiction

interlocutory appeal

subject matter jurisdiction

quiet title

summary judgment

PRACTICE AREAS

appellate procedure

civil procedure

real property

QUESTIONS PRESENTED

1. Whether Hazardous's notice of appeal from a limited judgment divested the circuit court of jurisdiction to adjudicate plaintiffs' quiet title claim against Neal and Neal's counterclaims.
2. Whether the trial court improperly applied the summary judgment standard by failing to account for Hazardous's pending appeal or construe the jurisdictional issue in Neal's favor.

HOLDINGS

1. A notice of appeal from a limited judgment does not divest the trial court of jurisdiction over unresolved claims against other parties when the limited judgment concerns a distinct set of issues and effectively splits the case into separate and parallel parts. Because the limited judgment addressed only plaintiffs' title relative to Hazardous and did not affect plaintiffs' claims against Neal or Neal's counterclaims, the circuit court retained jurisdiction to enter the general judgment against Neal.
2. The trial court did not improperly apply the summary judgment standard by failing to acknowledge Hazardous's pending appeal or construe the jurisdictional issue in Neal's favor, because the effect of a notice of appeal on trial-court jurisdiction is a question of law rather than a factual issue governed by the summary judgment standard.

KEY QUOTATIONS

“If a limited or supplemental judgment is appealed, the jurisdiction of the appellate court is limited to the matters decided by the limited or supplemental judgment, and the trial court retains jurisdiction over all other matters in the proceeding.” (240)

“Accordingly, the filing of a notice of appeal from a limited judgment does not “divest[] the trial court of jurisdiction to try the remaining claims against other parties not affected by the [limited] judgment.”” (240)

“But whether a notice of appeal divests a trial court of jurisdiction implicates a question of law, not a question of fact, and has no bearing on the question as to whether plaintiffs were entitled to summary judgment on their quiet title claim against Neal.” (241)

FACTUAL BACKGROUND

The dispute concerned ownership of real property in Clackamas County. In 2018, Neal conveyed any interest he possessed in the property to Hazardous Property Management, LLC; in 2019, Hazardous reconveyed its interest to Neal. Plaintiffs sued Neal and Hazardous to quiet title and invalidate the 2018 deed, while Neal counterclaimed for adverse possession and a prescriptive easement. The circuit court first quieted title against Hazardous in a limited judgment, and later quieted title against Neal in a general judgment while Hazardous's appeal from the limited judgment was pending.

PROCEDURAL HISTORY

Plaintiffs filed a quiet title action against Neal and Hazardous Property Management, LLC, asserting claims to quiet title and invalidate a deed. Neal counterclaimed for adverse possession and a prescriptive easement. The circuit court granted plaintiffs partial summary judgment against Hazardous and entered a limited judgment; Hazardous appealed. While that appeal was pending, the circuit court granted plaintiffs partial summary judgment against Neal and entered a general judgment quieting title against him. The Oregon Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Stachlowski v. 1000 Broadway Building LP, 305 Or. App. 174, 185, 188-89 (2020)
- Multnomah County Sheriff's Office v. Edwards, 361 Or. 761, 777 (2017)
- State v. Jackson, 228 Or. 371, 382 (1961)
- State ex rel. Gattman v. Abraham, 302 Or. 301, 303, 310-11 (1986)
- State v. Branstetter, 332 Or. 389, 403 (2001)
- Interstate Roofing, Inc. v. Springville Corp., 347 Or. 144, 163-64 (2009)
- Besson v. Neal, 343 Or. App. 653, 577 P.3d 364 (2025)

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