

SUPREME COURT OF WYOMING

Carnahan v. Lewis

273 P.3d 1065 (Wyo. 2012) · No. S-11-0122 · Decided March 27, 2012

SUMMARY

The Wyoming Supreme Court affirmed a district court judgment declaring that a public easement in a subdivision remained valid and that the property owners could not obstruct the Lewises' use of it. The court addressed appellate timeliness, standing, statute of limitations, laches, statutory requirements for vacating a public easement, and dismissal of trespass claims. It held that the Lewises had standing to seek declaratory relief concerning interference with their use of the public easement.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Kite, C.J.; Golden, J.; Hill, J.; Voigt, J.; Burke, J.
JURISDICTION	Wyoming
DECIDED	March 27, 2012
DOCKET	S-11-0122
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Carnahans appealed after a bench trial and related summary-judgment rulings in which the district court granted the Lewises declaratory relief, rejected statute-of-limitations and laches defenses, ruled that a recorded affidavit had not vacated a public easement, dismissed the Carnahans' trespass claim, and denied their quiet-title and ejectment claims.
STANDARD OF REVIEW	Summary-judgment rulings are reviewed de novo under the same materials and standards applicable in the district court, viewing facts favorably to the nonmoving party and drawing favorable reasonable inferences. Following a bench trial, factual findings are reviewed for clear error, with due regard for the trial judge's credibility determinations, and conclusions of law are reviewed de novo.
PRECEDENTIAL VALUE	Published Wyoming Supreme Court decision; precedential
PARTIES	Brad Carnahan, Brenda Carnahan v. Rex I. Lewis, Vickie R. Lewis, as trustees of the Rex I. Lewis Living Trust and the Vickie R. Lewis Living Trust

TOPICS

easements

declaratory judgment

injunctions

statute of limitations

standing

PRACTICE AREAS

Real estate

Easements

Civil procedure

Appellate procedure

Remedies

QUESTIONS PRESENTED

1. Whether the appeal was premature because the district court had not expressly ruled on the Lewises' request for injunctive relief.
2. Whether the Lewises had standing to seek declaratory and injunctive relief concerning their use of a public easement.
3. Whether the Lewises' declaratory-relief claims were barred by Wyoming's four-year statute of limitations.
4. Whether laches barred the Lewises' claims.
5. Whether the Griffiths' 1994 affidavit effectively vacated the public easement under Wyoming's plat-vacation statutes.
6. Whether the Carnahans' trespass claim was properly dismissed.

HOLDINGS

1. The appeal was not premature because the district court's order implicitly required removal of the fence and therefore effectively resolved the requested injunctive relief.
2. Landowners with a right to use a public easement have a legally protectable interest and standing to seek a declaration that another party may not interfere with that use, even though they lack an exclusive possessory interest in the easement.
3. The four-year statute of limitations did not bar the Lewises' declaratory-relief claims because the claims accrued when the Carnahans blocked access in 2007, and the Lewises filed suit that same year.
4. Laches did not bar the Lewises' claims because they did not unreasonably delay asserting their rights and the Carnahans failed to establish that their alleged injury resulted from the Lewises' conduct.
5. The 1994 affidavit did not vacate Mountain View Loop because, after lots in the subdivision had been sold, Wyoming law required all lot owners in the plat to join in the written, acknowledged, and recorded vacation instrument.
6. The trespass claim was properly dismissed because the easement remained dedicated to public use and the Carnahans did not establish a private possessory right inconsistent with the public easement.

KEY QUOTATIONS

“While the Lewises do not have the right, any more than the Billingslys did in Ruby Drilling, to exclusive possession of Mountain View Loop as required to maintain an action for trespass, they do have the right to

seek a judgment declaring their right to use the public easement without interference by the Carnahans.”
(1073)

“The Griffiths did not have the authority to vacate any portion of Mountain View Loop without all owners of lots in the plat joining in the written instrument recorded in the Laramie County Clerk's office.” (1077)

“The Lewises have the right to use Mountain View Loop, including the portion that crosses the Carnahans' property. The Carnahans are permanently enjoined from obstructing access along Mountain View Loop.”
(1078)

FACTUAL BACKGROUND

Mountain View Loop was an eighty-foot easement dedicated to public use in the 1977 plat for Table Mountain Ranches, Fourth Filing. The Griffiths later acquired property crossed by the easement and recorded a 1994 affidavit purporting to vacate the easement, but did not obtain the participation of all lot owners in the subdivision. The Carnahans purchased the property after a county board denied a proposed replat that would have vacated or relocated the easement, and in 2007 erected a fence and locked gate blocking the Lewises' access. The Lewises filed suit in August 2007 after their use of the easement was obstructed.

PROCEDURAL HISTORY

The Lewises sought declaratory and injunctive relief establishing their right to use Mountain View Loop, a public easement, and requiring removal of a fence erected by the Carnahans. The Carnahans asserted ejectment and trespass claims and sought to quiet title to the easement. The district court dismissed Laramie County, denied or resolved the parties' summary-judgment motions in part, held the 1994 vacation affidavit ineffective, conducted a bench trial on limitations and laches, granted declaratory relief, and permanently enjoined obstruction of the easement. The Wyoming Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Grynberg v. L & R Exploration Venture, 2011 WY 134, 261 P.3d 731 (Wyo. 2011)
- Kelly v. McNeel, 2011 WY 79, 250 P.3d 1105 (Wyo. 2011)
- Brumbaugh v. Mikelson Land Co., 2008 WY 66, 185 P.3d 695 (Wyo. 2008)
- Cox v. City of Cheyenne, 2003 WY 146, 79 P.3d 500 (Wyo. 2003)
- Owsley v. Robinson, 2003 WY 33, 65 P.3d 374 (Wyo. 2003)
- Ruby Drilling Co. v. Billingsly, 660 P.2d 377 (Wyo. 1983)
- Ultra Resources, Inc. v. Hartman, 2010 WY 36, 226 P.3d 889 (Wyo. 2010)
- Lieberman v. Mossbrook, 2009 WY 65, 208 P.3d 1296 (Wyo. 2009)
- Dorsett v. Moore, 2003 WY 7, 61 P.3d 1221 (Wyo. 2003)
- Hammond v. Hammond, 14 P.3d 199 (Wyo. 2000)

- Moncrief v. Sohio Petroleum Co., 775 P.2d 1021 (Wyo. 1989)
- Strong Construction, Inc. v. City of Torrington, 2011 WY 82, 255 P.3d 903 (Wyo. 2011)
- Sare v. Sheridan County Board of County Commissioners, 784 P.2d 593 (Wyo. 1989)
- Sheridan County v. Spiro, 697 P.2d 290 (Wyo. 1985)
- Board of County Commissioners of Carbon County v. White, 547 P.2d 1195 (Wyo. 1976)
- Moorcroft v. Lang, 779 P.2d 1180 (Wyo. 1989)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/wyoming-supreme-court-of-wyoming/2012/carnahan-v-lewis-wu3hfzvq>