

VERMONT SUPERIOR COURT, CIVIL DIVISION, ORLEANS UNIT

Charles Norton v. Robert Peters et al.

Norton v. Peters · No. 25-CV-05021 · Decided March 19, 2026

SUMMARY

The Vermont Superior Court, Orleans Unit, denied defendants’ partial motion to dismiss claims for declaratory judgment and to quiet title concerning a right of way. The court held that the plaintiff had standing to enforce his own property rights and that the absent property owners were not required parties under Vermont Rule of Civil Procedure 19, while ordering service of the filings on them.

CASE DETAILS

COURT	Vermont Superior Court, Civil Division, Orleans Unit
WRITING FOR THE COURT	Colin Owyang
JURISDICTION	Vermont Superior Court, Civil Division, Orleans Unit
DECIDED	March 19, 2026
DOCKET	25-CV-05021
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought claims for declaratory judgment, quiet title, injunctive relief, and damages concerning a right of way. Defendants moved under Vermont Rules of Civil Procedure 12(b)(6) and 12(b)(7) to dismiss the declaratory-judgment and quiet-title counts for failure to state a claim and failure to join necessary parties.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded facts as true and draws reasonable inferences in the plaintiff's favor, disregarding conclusory allegations and legal conclusions. Dismissal is proper only when it appears beyond doubt that no facts or circumstances would entitle the plaintiff to relief. Under Rule 19, the moving party bears the burden of presenting clear and cogent grounds showing that an absent person must be joined to prevent inconsistent or inadequate judgments.
PRECEDENTIAL VALUE	unpublished and likely nonprecedential
PARTIES	Charles Norton v. Robert Peters et al.

TOPICS

motions to dismiss

joinder

standing

quiet title

declaratory judgment

PRACTICE AREAS

civil procedure

real estate

remedies

QUESTIONS PRESENTED

1. Whether Norton adequately alleged standing to enforce his own property rights concerning Hunt Shore South without naming Julia Norton and Justin Limoge as co-plaintiffs.
2. Whether Sandra Grancelli and John Clausen were required parties under V.R.C.P. 19(a) whose absence required dismissal of the declaratory-judgment and quiet-title claims.

HOLDINGS

1. Norton sufficiently alleged standing to maintain claims seeking enforcement of his own property rights in Hunt Shore South, even though he lacked standing to enforce property rights belonging to Julia Norton and Justin Limoge.
2. The defendants did not establish that Grancelli and Clausen were required parties, because their absence would not prevent complete relief among the existing parties or create a substantial risk of inconsistent or inadequate judgments.

KEY QUOTATIONS

“The court concludes Plaintiff has sufficiently alleged standing to bring this action to enforce the rights he has but not the ones he does not.” (2)

“There may exist differences between the outcome for the parties in this case and the agreement Plaintiff reached with Grancelli and Clausen—not different “judgments.” Rule 19 does not concern itself with this sort of inconsistency.” (3)

FACTUAL BACKGROUND

The dispute concerns Hunt Shore South, a looped right of way along the western side of Seymour Lake in Morgan, Vermont, connecting to Morgan–Charleston Road at northern and southern intersections. Most of the right of way lies on Norton's property, but the southern intersection and a short segment lie on property owned by Julia Norton and Justin Limoge. Defendants own lakeshore properties accessed through Hunt Shore South, and their deeds grant rights of way using the cottage road in common with others. Norton had separate agreements with Sandra Grancelli and John Clausen, who were not named as defendants.

PROCEDURAL HISTORY

Norton filed an amended complaint on November 13, 2025. Defendants filed a partial motion to dismiss on December 23, 2025, arguing that Norton lacked standing without certain property owners as co-plaintiffs and that Sandra Grancelli and John Clausen were required parties. The Superior Court denied the motion as to counts 1 and 2, directed Norton to conform his pleadings regarding rights belonging to third-party property owners, and ordered service of the filings on Grancelli and Clausen so they could seek intervention if desired.

DISPOSITION

other

CASES CITED

- Montague v. Hundred Acre Homestead, LLC, 2019 VT 16, ¶¶ 10–11, 209 Vt. 514
- Vitale v. Bellows Falls Union High Sch., 2023 VT 15, ¶ 28, 217 Vt. 611
- Davis v. American Legion, Dept. of Vermont, 2014 VT 134, ¶ 12, 198 Vt. 204
- Powers v. Off. of Child Support, 173 Vt. 390, 395 (2002)
- Levinsky v. Diamond, 140 Vt. 595, 600 (1982)
- Bock v. Gold, 2008 VT 81, ¶ 4, 184 Vt. 575
- Bischoff v. Bletz, 2008 VT 16, ¶ 15, 183 Vt. 235
- Brod v. Agency of Nat. Res., 2007 VT 87, ¶ 8, 182 Vt. 234
- Housing Our Seniors in Vt. Inc. v. Agency of Commerce & Cmty. Dev., 2024 VT 12, ¶ 13, 219 Vt. 80
- Hinesburg Sand & Gravel Co. v. State, 166 Vt. 337, 341 (1997)
- Town of Cavendish v. Vt. Pub. Power Supply Auth., 141 Vt. 144, 147–48 (1982)
- Grassy Brook Vill., Inc. v. Richard D. Blazej, Inc., 140 Vt. 477, 482 (1981)
- Nowakowski v. City of Rutland, No. 2019-174, 2019 WL 6049892, at *2 (Vt. Nov. 14, 2019)
- Logue v. Richmond, No. 21-CV-00942, 2024 WL 4328617, at *3 (Vt. Super. Sept. 3, 2024)