

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ALABAMA

Ferrara v. Oak Shores Development, LLC

Civil Action No. 25-00133-KD-N · No. Civil Action No. 25-00133-KD-N · Decided March 20, 2026

SUMMARY

The United States District Court for the Southern District of Alabama grants Oak Shores Development LLC’s motion for partial summary judgment in a dispute concerning easements, subdivision approval, and access to residential property. The court holds that the plaintiffs cannot challenge the City of Orange Beach’s subdivision approval without joining the City and concludes that recorded partition deeds unambiguously establish enforceable easements benefiting Lot 4 across Lots 1 and 2. Counterclaims for breach of easement and deed covenants and trespass remain pending.

CASE DETAILS

COURT	United States District Court for the Southern District of Alabama
WRITING FOR THE COURT	Kristi K. DuBose
JURISDICTION	United States District Court for the Southern District of Alabama
DECIDED	March 20, 2026
DOCKET	Civil Action No. 25-00133-KD-N
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for partial summary judgment in a removed diversity action involving a challenge to municipal subdivision approval and the validity and scope of easements. The court granted the motion, denied the plaintiffs' Rule 56(d) request, and left the defendant's counterclaims for breach of easement and deed covenants and trespass pending.
STANDARD OF REVIEW	Summary judgment is proper when the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court views the evidence and reasonable inferences in the light most favorable to the nonmovant, without weighing evidence or making credibility determinations.
PRECEDENTIAL VALUE	unpublished district court order; persuasive value only

TOPICS

summary judgment

easements

declaratory judgment

contract interpretation

civil procedure

PRACTICE AREAS

civil procedure

real property

contracts

municipal law

remedies

QUESTIONS PRESENTED

1. Whether the Ferraras could obtain a declaratory judgment against Oak Shores challenging Oak Shores' compliance with the City of Orange Beach subdivision regulations without joining the City as a defendant.
2. Whether the recorded partition deeds established valid and enforceable easements for ingress, egress, and utilities across Lots 1 and 2 in favor of Lot 4.
3. Whether the Ferraras could raise, for the first time in opposition to summary judgment, claims that Oak Shores' proposed intensity of use exceeded the intended scope of the easements or that the easement descriptions lacked sufficient certainty.
4. Whether the Ferraras were entitled to additional discovery under Federal Rule of Civil Procedure 56(d) before disposition of the summary-judgment motion.

HOLDINGS

1. A party seeking to invalidate an approved subdivision plan under Alabama Code section 35-2-58 must proceed against the municipality and join the municipality as a defendant. The Ferraras therefore failed to state a cause of action against Oak Shores alone for alleged noncompliance with the City's subdivision regulations.
2. The partition deeds clearly and unambiguously established valid and enforceable easements for ingress, egress, and utilities across Lots 1 and 2 in favor of Lot 4.
3. The Ferraras could not amend their complaint through their summary-judgment response by asserting new claims concerning excessive intensity of use or uncertainty in the easement descriptions.
4. The Ferraras were not entitled to defer summary judgment for additional discovery because discovery was not stayed, discovery had closed, and they did not explain how further discovery would support their claims.

KEY QUOTATIONS

“There is no genuine issue of fact as to this conclusion, the Partition Deeds are not ambiguous, thus it is strictly an issue of contract interpretation.” (Section VI.B)

“Upon consideration, and for the reasons set forth herein, Oak Shores’ Motion for Partial Summary Judgment is GRANTED.” (Section VII)

FACTUAL BACKGROUND

The original owners of property in Orange Beach, Alabama, divided the property into Lots 1 through 4 through partition agreements and deeds that identified easements for ingress, egress, and utilities benefiting the various lots, including Lot 4. The Ferraras later purchased Lots 1 and 2, while Oak Shores purchased Lot 4 and obtained City approval to subdivide it into 76 single-family residential lots. Because wetlands and a pond affected Lot 4, access to part of the property depended on easements across Lots 1, 2, and 3. The Ferraras constructed a fence, chain, and sign blocking Oak Shores' access, prompting the dispute.

PROCEDURAL HISTORY

The Ferraras filed suit against Oak Shores in the Circuit Court of Baldwin County, Alabama, seeking injunctive and declaratory relief concerning Oak Shores' subdivision of Lot 4 and easements across Lots 1 and 2. Oak Shores removed the action based on diversity jurisdiction, answered, and asserted counterclaims. The Ferraras' motion to remand was denied. After discovery closed, Oak Shores moved for partial summary judgment; the court granted the motion and denied the plaintiffs' request for additional discovery under Federal Rule of Civil Procedure 56(d).

DISPOSITION

other

CASES CITED

- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986)
- FindWhat Investor Group v. FindWhat.com, 658 F.3d 1282, 1307 (11th Cir. 2011)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323–24 (1986)
- Grange Mutual Casualty Co. v. Slaughter, 958 F.3d 1050, 1057 (11th Cir. 2020)
- Erie Railroad Co. v. Tompkins, 304 U.S. 64 (1938)
- Klaxon Co. v. Stentor Electric Manufacturing Co., 313 U.S. 487 (1941)
- 790 Montclair, LLC v. Birmingham Metro, LLC, 2025 WL 1831112 (Ala. July 3, 2025)
- Henson v. Thomas, 337 So. 3d 289, 295 (Ala. Civ. App. 2020)
- Moss v. Williams, 822 So. 2d 392, 397 (Ala. 2001)
- Felix v. Key Largo Management Corp., No. 21-10381, 2021 WL 5037570, at *4 (11th Cir. Oct. 29, 2021)
- Flintlock Construction Services, LLC v. Well-Come Holdings, LLC, 710 F.3d 1221, 1227–28 (11th Cir. 2013)

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