

SUPREME COURT OF IDAHO

Benninger v. Derifield, 142 Idaho 486

129 P.3d 1235 (2006) · No. No. 30999 · Decided February 2, 2006

SUMMARY

The Idaho Supreme Court held that the trial court's findings established a prescriptive driveway easement in favor of the Benningers, although the record did not establish an express easement. The court vacated the determination of an express easement and remanded for definition of the prescriptive easement's scope. It affirmed the denial of monetary damages for nuisance and awarded costs without attorney fees.

CASE DETAILS

COURT	Supreme Court of Idaho
WRITING FOR THE COURT	Schroeder, Chief Justice; Trout, Justice; Eismann, Justice; Burdick, Justice; Jones, Justice
JURISDICTION	Idaho
DECIDED	February 2, 2006
DOCKET	No. 30999
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Derifield appealed and the Benningers cross-appealed from a district court judgment concerning an alleged driveway easement, nuisance, injunctive relief, and damages.
STANDARD OF REVIEW	The Supreme Court reviewed whether the evidence supported the district court's factual findings and whether those findings supported its legal conclusions. Findings of fact in a court-tried case are liberally construed in favor of the judgment and will not be overturned if supported by substantial evidence, even if the evidence conflicts. Conclusions of law are reviewed freely.
PRECEDENTIAL VALUE	Published Idaho Supreme Court opinion; precedential
PARTIES	Thomas E. Derifield, Julie Freed v. Joseph E. Benninger, Edith I. Benninger

TOPICS

prescriptive easements

easements

nuisance

remedies

appellate procedure

PRACTICE AREAS

real estate

property law

torts

remedies

appellate procedure

QUESTIONS PRESENTED

1. Whether the district court properly determined that the Benningers held an express driveway easement over Derifield's property.
2. Whether the district court's factual findings established a prescriptive easement despite the absence of a sufficient express-easement determination.
3. Whether the scope of the prescriptive easement could be determined on the existing record.
4. Whether Derifield's obstruction and interference with the driveway constituted a nuisance supporting injunctive relief.
5. Whether the Benningers were entitled to monetary damages for the nuisance.

HOLDINGS

1. The record was insufficient to establish an express easement, so the district court's express-easement determination was vacated.
2. The district court's factual findings established that the Benningers acquired a prescriptive easement over the driveway.
3. The scope of the prescriptive easement required determination by the district court on remand.
4. The placement of vehicles and other items obstructing the driveway constituted a nuisance, and injunctive relief against future obstruction was proper.
5. The Benningers were not entitled to monetary damages for the nuisance.

KEY QUOTATIONS

“The findings of the district court establish the elements of a prescriptive easement.” (142 Idaho at 490)

“The presumption of permissive use does not apply.” (142 Idaho at 490)

“For these reasons the district court did not err in refusing to award monetary damages to the Benningers for Derifield's acts of nuisance.” (142 Idaho at 491)

FACTUAL BACKGROUND

The Benningers purchased Lot 3 in 1967 and built their home there; Derifield later purchased adjacent Lots 4 and 5. A driveway crossing Derifield's property provided the Benningers' only road access and had been visible and used for many years. Derifield's improvements, parking, and placement of items obstructed the driveway, forcing the Benningers, who were in their seventies, to park on the county road and use stairs to reach their home. The Benningers used the driveway without seeking or obtaining permission.

PROCEDURAL HISTORY

The Benningers sued after Derifield obstructed and interfered with a shared driveway providing the Benningers' only road access. The district court entered a preliminary injunction, later found Derifield in contempt, and after trial held that an express 12-foot driveway easement existed, found the obstruction a nuisance, permanently enjoined further obstruction, permitted relocation of the driveway, and denied the Benningers' interference and damages claims. The Supreme Court of Idaho vacated the express-easement determination, held that the findings established a prescriptive easement, affirmed the denial of monetary damages, and remanded to define the scope of the prescriptive easement.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The district court must determine the scope of the prescriptive driveway easement. The Supreme Court awarded the Benningers costs and allowed no attorney fees.

CASES CITED

- Alumet v. Bear Lake Grazing Co., 119 Idaho 946, 812 P.2d 253 (1991)
- Lindgren v. Martin, 130 Idaho 854, 949 P.2d 1061 (1997)
- Sun Valley Shamrock Resources, Inc. v. Travelers Leasing Corp., 118 Idaho 116, 794 P.2d 1389 (1990)
- Abbott v. Nampa School District No. 131, 119 Idaho 544, 808 P.2d 1289 (1991)
- Hunter v. Shields, 131 Idaho 148, 953 P.2d 588 (1998)
- Burns v. Alderman, 122 Idaho 749, 838 P.2d 878 (Ct. App. 1992)
- Latham v. Garner, 105 Idaho 854, 673 P.2d 1048 (1983)
- Neider v. Shaw, 138 Idaho 503, 65 P.3d 525 (2003)
- C & G, Inc. v. Rule, 135 Idaho 763, 25 P.3d 76 (2001)
- Simons v. Simons, 134 Idaho 824, 11 P.3d 20 (2000)
- City of Kellogg v. Mission Mountain Interests, 135 Idaho 239, 16 P.3d 915 (2000)
- Seccombe v. Weeks, 115 Idaho 433, 767 P.2d 276 (Ct. App. 1989)
- Rodriguez v. Oakley Valley Stone, Inc., 120 Idaho 370, 816 P.2d 326 (1991)
- Hodgins v. Sales, 139 Idaho 225, 76 P.3d 969 (2003)
- Davis v. Gowen, 83 Idaho 204, 360 P.2d 403 (1961)
- Rowe v. City of Pocatello, 70 Idaho 343, 218 P.2d 695 (1950)
- Koseris v. J.R. Simplot Co., 82 Idaho 263, 352 P.2d 235 (1960)
- Larsen v. Village of Lava Hot Springs, 88 Idaho 64, 396 P.2d 471 (1964)
- Conley v. Amalgamated Sugar Co., 74 Idaho 416, 263 P.2d 705 (1953)
- Pollard v. Land West, Inc., 96 Idaho 274, 526 P.2d 1110 (1974)

- Mock v. Potlatch Corp., 786 F. Supp. 1545, 1551 (D. Idaho 1992)
- Bradley v. American Smelting & Refining Co., 635 F. Supp. 1154 (W.D. Wash. 1986)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/idaho-supreme-court-of-idaho/2006/benninger-v-derifield-142-idaho-486-xzyc1axd>