

Summary Statement

Asbury Park v. Greenbriar Estates Homeowner's Association, Docket No. 37556

The Supreme Court affirmed the district court's grant of summary judgment in favor of Asbury Park, LLC regarding ownership of a lot located within the Greenbriar Estates Subdivision upon which storage facilities are located. The Court held that language in the recorded plat, the subdivision's CC&R's, and deeds conveying title to subdivision lots was conflicting and thus could not demonstrate that Asbury Park clearly and unequivocally intended to dedicate the lot. The Court affirmed dismissal of Greenbriar Estates Homeowner's Association's fraud claim because the HOA presented no evidence that Asbury Park made a false statement upon which the HOA had relied. The Court also affirmed the district court's refusal to adopt a provision of the Restatement (Third) of Property-Servitudes.