IN THE COURT OF APPEALS OF IOWA

No. 8-873 / 07-2026
Filed December 31, 2008

CITY OF LAKE VIEW, IOWA,
Plaintiff-Appellee,

vs.

PATRICK L. HOUSTON,
Defendant-Appellant,

MILTON D. MEYER, BEVERLY MEYER and JOAN W. CRAIG,
Defendants.

Appeal from the Iowa District Court for Sac County, William C. Ostlund, Judge.

Patrick L. Houston appeals from the district court's adverse ruling in a quiet title action. **REVERSED AND DISMISSED.**

Charles L. Corbett of Corbett, Anderson, Corbett, & Vellinga, L.L.P., Sioux City, for appellant.

Erin E. McCullough of Law Firm of Erin E. McCullough, Lake View, for appellee.

Considered by Sackett, C.J., and Eisenhauer and Doyle, JJ.

DOYLE, J.

This dispute centers on a 33-foot by 110-foot strip of undeveloped land that abuts Black Hawk Lake in Sac County, Iowa (disputed property). Patrick L. Houston appeals from the district court's adverse ruling quieting title to the disputed property in the City of Lake View, Iowa (Lake View). Houston contends Lake View's action to quiet title is barred by Iowa's Marketable Record Title Act, Iowa Code sections 614.29-.38 (2007), among other things. Additionally, Houston contends Lake View's expert's testimony should not have been received as evidence of title to the property in question. Upon our de novo review, we reverse the judgment of the district court and dismiss Lake View's petition to quiet title.

***I. Background Facts and Proceedings*.**

In 1874 Sac County ordered that numerous county roads be established on certain section lines in Wall Lake Township. Relevant here is a roadway described to run north and south. The north end of the roadway begins at the northwest corner of Section Three, runs south on the section lines, and ends at Black Hawk Lake (formerly known as Wall Lake) in Sections Thirty-three and Thirty-four.[1] The centerline of the roadway is on the section lines and the roadway (right-of-way) extends 33 feet into each adjacent section, thus making the roadway 66 feet wide.

At some point, a road was built on the roadway. However, the road ends approximately 120 feet from the lake's shore. At issue in this case is the eastern

[1] Section Thirty-four abuts Section Thirty-three to the east, so, its western border is Section Thirty-three's eastern border.

half of the roadway (33 feet), located in Section Thirty-four, beginning at the lake shore and extending 110 feet north towards the road. It is undisputed that the disputed property is included in the roadway established by Sac County in 1874, but was never used as a road.

Lake View is located in Sac County on the north and west sides of Black Hawk Lake. It presently includes portions of Sections Thirty-two, Thirty-three, and Thirty-four in Wall Lake Township.

On October 29, 1964, Houston was conveyed by warranty deed a one-half interest to certain property located in Sac County, Iowa, including the disputed property.[2] The warranty deed sets forth the legal description of the property conveyed as follows:

> All of government lots 1 & 2 in Section 34-[Township 87-Range 36] lying south of the Iowa State Conservation Commission Road as said road was platted and staked across the southwest quarter . . . of said Section by said Conservation Commission in 1936, excepting . . . [certain described tracts and parcels].

Although Houston's deed encompasses the disputed property, Houston was not assessed property taxes on the disputed property by Sac County until approximately 1998, after the Sac County Assessor received a title opinion from the Sac County Attorney opining that the disputed property was owned by Houston.[3] Houston acknowledged that he never really made a claim to the

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[2] At some point Houston purchased the other one-half interest in the property from his co-owner. We therefore only refer to Houston as the owner of the land set out in the 1964 deed.

[3] The title opinion was admitted into evidence at the trial without any objection by the parties and without any testimony concerning it. Although the title opinion states it was performed by the Sac County Attorney for "Erin McCullough, P.C.," it is unknown as to why McCullough requested the title opinion as there was no testimony concerning the title opinion offered at trial. Furthermore, although McCullough is presently Lake View's attorney, there is no reference in the title opinion or testimony here to establish that

disputed property until he began paying taxes on the property. Nevertheless, Houston asserted he maintained the property over the years.[4] Over time, he sold off all of the property he purchased in 1964 except for the disputed property.[5]

On July 17, 2006, Lake View filed a petition to quiet title to the disputed property. Lake View claimed it was the absolute owner of the disputed property and that its rights in the disputed property were superior to any interest held by Houston. Houston denied Lake View's claim, and asserted that he was the true and lawful owner of the real estate. Houston later amended his answer to assert that Lake View's claim was barred by Iowa's Marketable Record Title Act and that Lake View was equitably estopped from maintaining its quiet title action against him.

The matter proceeded to trial. Lake View defended its title to the disputed property based primarily upon two recorded plats. The first was the Denison Beach plat. In 1916 the "Plat of the Denison Beach" was recorded. The land designated in this plat is located just north of Black Hawk Lake in Section Thirty-three, west of the disputed property. This plat included lines depicting the roadway, and the roadway is expressly identified in the plat as the "North [and] south highway." The platted area does not include the disputed property. In 1932 Denison Beach was re-platted, and the "Lake View, Iowa. Official Plat of

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McCullough in requesting the opinion was acting in her capacity as Lake View's attorney. Consequently, based upon the record before us, we cannot conclude that Lake View had notice of this title opinion.

[4] He testified he mowed the property every year until he sold the other properties and thereafter mowed it when he thought it needed it until 2003. He also used the property to store a pontoon boat lift in the late 1990's or the early 2000's. He fenced the property twice.

[5] He sold part of the property in the late 1960's, part in 1972, and the remainder soon thereafter.

Denison Beach as Re-Platted from Survey 1932" was recorded in 1933. Although this plat also includes lines depicting the roadway, the re-platted area does not include the disputed property.

The second plat relied on by Lake View was the Lakewood Park plat. In 1937 Lake View annexed a certain parcel of land designated as "Lakewood Park" upon application of the parcel's landowners. This parcel of land is just north of Black Hawk Lake in Section Thirty-four, immediately east of the Denison Beach plat, and north and east of the disputed property. The landowners' application sets out the parcel's legal description, which among other things describes the parcel as being a part of Government Lot 1. Attached to the landowners' application were plats of their parcel in Lakewood Park dated March 1933 and May 1933. Both plats reference Government Lot 1 and also include lines depicting the roadway and identifying the lines as a highway. Lake View approved the landowners' application in 1937, and the land described in the application was subsequently annexed to Lake View and the plats recorded. From the evidence presented, it does not appear that the disputed property is a part of the platted area of Lakewood Park.

Additionally, over Houston's objection, Lake View presented expert testimony regarding ownership of the disputed property. Lake View's expert opined that Lake View was the owner of the disputed property, based upon his examination of Houston's abstract for the disputed property.[6] The expert testified that because Houston's deed referred to Government Lots 1 and 2, a title examiner was obliged to consider plats relating to Government Lots 1 and 2.

[6] Houston's abstract was not offered into evidence.

The expert further testified that in examining Houston's abstract, he found "a plat on file that showed up in the chain of title setting forth Government Lots 1 and 2, and that particular plat did show the [roadway] on the [disputed property]."[7] On cross-examination, the expert explained that this plat was a fourth plat, and not the 1916 and 1932 Denison Beach plats or the 1933 Lakewood Park plat admitted into evidence. The expert further testified that the "Lakewood Park plat" was in Houston's chain of title.[8] Lake View's expert acknowledged that Houston's deed did not specifically refer to the Denison Beach plats or the 1933 Lakewood Park plat recorded in 1937.[9]

On November 5, 2007, the district court entered its ruling, concluding that title of the disputed property rested with Lake View. The court determined that "the recorded plats clearly identify the road and all plats involved were recorded

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[7] This plat was not offered into evidence. We do not know when the plat was created or what it depicts.

[8] It is unclear from the record and the expert's testimony how the expert concluded that the 1933 Lakewood Park plat was part of Houston's record chain of title.

[9] The expert's testimony was at times confusing and conflicting. He testified the roadway was referenced on the 1916 and 1932 Denison Beach plats and the 1933 Lakewood Park plat. He admitted the Denison Beach plats are not referred to in Houston's deed and are not in the chain of title to the disputed property. (Denison Beach is in Section Thirty-three, not Thirty-four.) He also admitted Houston's deed made no reference by name to the 1933 Lakewood Park plat filed in 1937. Then the attorneys and the expert appeared to refer to the Lakewood Park and the Lakewood Park Addition plats interchangeably. The "Lake Wood Park Addition" (platted in 1955), referenced in an exclusion in Houston's deed, is not a part of the record. The expert was asked: "And [the disputed property is] not in the Lakewood Park Addition[?]" He answered:

> Not in the addition, no. But it's in the Lakewood Park addition is [sic] and that chain of title because it's—in Section thirty-four and government lots 1 and 2, I think the Lakewood Addition is out of those particular lots, so I mean it is in the chain of title.

The expert testified earlier that:

> And then the Lakewood plat which was filed in 1937, and, as I recall, also shows government lot 1 in part and also shows . . . the road. So the reason that I believe title is in the City of Lake View is I think the 1964 deed to Houston . . . is subject to what's shown on that plat.

prior to the deed transferring this lot to [Houston]. Therefore, [Houston] took title subject to the road," citing *Fencl v. City of Harpers Ferry*, 620 N.W.2d 808 (Iowa 2000). Additionally, the court explained:

> [T]his Court is persuaded that . . . [Houston] was on notice that a portion of Government Lot 1 had been platted and a road running to the shore of [Black Hawk] Lake had been dedicated to the City on the plat. The Lakewood Park Plat is part of the chain of title to the property acquired by [Houston]. The deed that transferred to him includes the road shown on that plat.

The court also concluded that Lake View did not abandon the disputed property. Based upon its ruling quieting title in Lake View, the court ordered that Lake View reimburse Houston for the property taxes he paid on the disputed property.

Houston appeals. Houston contends Lake View's action to quiet title to the disputed property is barred by Iowa's Marketable Record Title Act, among other things. Additionally, Houston contends Lake View's expert's testimony should not have been received as evidence of title to the property in question.

II. Scope and Standards of Review.

Our review of an action to quiet title is de novo. Iowa R. App. P. 6.4; *Garrett v. Huster*, 684 N.W.2d 250, 253 (Iowa 2004). "We have the responsibility to examine the facts as well as the law and to decide anew the issues properly presented." *City of Marquette v. Gaede*, 672 N.W.2d 829, 833 (Iowa 2003). In equity cases, especially when considering the credibility of witnesses, we give weight to the fact findings of the district court, but are not bound by them. *Id*.; Iowa R. App. P. 6.14(6)(*g*). We are also not bound by the district court's conclusions of law. *City of Marquette*, 672 N.W.2d at 833. To the extent Houston claims the district court erred in admitting Lake View's expert testimony,

our review is for abuse of discretion. *In re Detention of Holtz*, 653 N.W.2d 613, 615 (Iowa Ct. App. 2002).

***III. Discussion*.**

***A. Expert Testimony*.**

Preliminarily, we address Houston's argument that Lake View's expert's testimony should not have been received as evidence of title to the property in question. "The general rule in this jurisdiction is one of liberality in the admission of opinion evidence." *State v. Halstead*, 362 N.W.2d 504, 506 (Iowa 1985). As stated above, we only reverse when there is a clear abuse of discretion. *Id*. The defendant must also be prejudiced by the testimony. *State v. Brown*, 470 N.W.2d 30, 32 (Iowa 1991).

The rules of evidence permit expert testimony if it will be helpful to the trier of fact. Iowa Rs. Evid. 5.701, 5.702. Furthermore, "[t]estimony in the form of an opinion or inference otherwise admissible is not objectionable because it embraces an ultimate issue to be decided by the trier of fact." Iowa R. Evid. 5.704. Nevertheless, "a witness cannot opine on a legal conclusion or whether the facts of the case meet a given legal standard." *In re Detention of Palmer*, 691 N.W.2d 413, 419 (Iowa 2005) (citing Iowa R. Evid. 5.704 advisory committee comment).

Here, there is no question that Lake View's expert, an attorney, opined as to ownership of the property, the ultimate issue to be decided by the court. However, even assuming without deciding that the expert's opinion should not have been admitted at trial, we find no prejudice to Houston upon our de novo review. Although the court in its ruling concurred with the expert's conclusion, it

appears that the court did not base its decision upon the expert's conclusions of law. Consequently, we find no reversible error in the admission of the expert's testimony.

***B. Iowa's Marketable Record Title Act*.**

Houston next contends that Lake View's action to quiet title to the disputed property is barred by Iowa's Marketable Record Title Act (MRTA), commonly known as the forty-year act. For the following reasons, we agree.

"As time passes, longer chains of title are inevitable. Longer chains of title require more extensive examinations and involve more complex appraisals in connection with each transfer." Paul E. Basye, *Clearing Land Titles* § 171, at 259 (1953) [hereinafter Basye]. Additionally:

> Because of the enduring nature of land, the value of its use and ownership, and the variety and complexity of interests in land permitted under English and American law, land titles tend in time to accumulate defects, divergent claims and rights and restrictions and limitations which erode their marketability.

Cunningham v. Haley, 501 So. 2d 649, 652 (Fla. Dist. Ct. App. 1986).

To simplify land title transactions, many states have enacted marketable title acts that, in certain circumstances, limit the extent of title searches in the examination of titles. Basye, §§ 171-180, at 260-289; 3 Joyce Palomar, *Patton & Palomar on Land Titles* § 563, at 86 (3d ed. 2003) [hereinafter Palomar]; *see also Chicago & N.W. Ry. v. City of Osage*, 176 N.W.2d 788, 793 (Iowa 1970). "The idea behind marketable title acts is that when one person has had a record title to land for a significant period of time, old claims or interests that are inconsistent should be extinguished." Palomar, § 563, at 86; *see also* Iowa State Bar Ass'n, Comm. on Title Standards, Iowa Land Title Standards ch. 11, standard 11.6,

cmt., at 59 (8th ed. 2006) [hereinafter Iowa Land Title Standards]. "Good public policy decrees that there be a limit to which these matters are permitted to adversely affect the marketability of land titles. The past should not be able to forever rule the present from the grave." *Cunningham*, 501 So. 2d at 652. As one treatise explains:

> An ancient record need not inevitably die. It can be revitalized by rerecording or by filing an appropriate notice of its desire to live. In this way new roots of title can be established and the period of examination can be kept within a stated constant period of time. In this way the recent land records alone become the sole means of preserving interests and of affording constructive notice of their state of life.

Basye, § 171, at 260.

Consistent with these purposes, the Iowa Legislature enacted our MRTA, codified in Iowa Code sections 614.29-.38, to "simplify[] and facilitat[e] land title transactions by allowing persons to rely on a record chain of title." Iowa Code § 614.30. This is accomplished primarily through the establishment of "marketable record title." Subject to certain exceptions contained in section 614.32, a person is deemed to have a marketable record title to any interest in land if that person has an unbroken chain of title of record to such interest for forty years or more. *Id*. § 614.31. When a person is deemed to have a marketable record title and it is not subject to any of the exceptions set forth in section 614.32, the marketable record title operates to extinguish such interests and claims existing prior to the effective date of the root of title. *Id*. § 614.29(1), .31, .33. The "root of title" is the "conveyance or other title transaction . . . purporting to create the interest claimed by such person, upon which the person relies as a basis for the marketability of the person's title." *Id*. § 614.29(5).

The exceptions set forth in section 614.32 provide that a marketable record title will not extinguish interests acquired prior to the landowner's root of title in certain circumstances. Consequently, if any of the section 614.32 exceptions apply, the marketable record title is subject to those interests. *Id*. § 614.32. Relevant here, pursuant to section 614.32, a marketable record title is subject to:

> All interests and defects which are inherent in the muniments of which such chain of record title is formed; provided however, that a general reference in such muniments, or any of them, to . . . other interests created prior to the root of title shall not be sufficient to preserve them, unless specific identification be made therein of a recorded title transaction which creates such . . . interest.

Id. § 614.32(1). A "muniment of title" is defined as "[d]ocumentary evidence of title." *Fencl*, 620 N.W.2d at 814 (citing Black's Law Dictionary 1019 (6th ed.1990)). "Muniments of title are deeds, wills, and court judgments *through which a particular* land *title passes and upon which its validity depends*." *Cunningham*, 501 So. 2d at 652 (emphasis in original).

Here, it is undisputed that Houston has a forty-year unbroken chain of record title to the disputed property. Houston therefore has a marketable record title to the disputed property. Nevertheless, to resolve whether Houston can rely upon the MRTA to extinguish Lake View's interest in the disputed property, we must determine whether section 614.32 applies in the present case.

In *Fencl*, the Iowa Supreme Court addressed when section 614.32 applies to preserve an interest in property acquired prior to a landowner's root of title. There, a landowner in 1993 was conveyed certain property in the city of Harpers

Ferry, including an adjoining alleyway, by a deed legally describing the property as:

> Lot 63 of *Original Plat of the Town of Harpers Ferry, Iowa*, and the part lying immediately South of that Lot *which was originally platted as an alley* and 15 feet immediately East of said Lot which constitutes a vacated portion of Second Street.

Fencl, 620 N.W.2d at 810 (emphasis added). The landowner had a forty-year unbroken chain of record title to the alleyway, by way of a 1950 deed containing a legal description identical to the legal description set forth in the landowner's 1993 deed. *Id*. at 810-11, 812. The 1950 deed was also the landowner's root of title. *Id*. at 812.

In 1996 the city claimed it held an interest in the alleyway established by the original 1854 plat for the city that included the disputed alleyway. *Id*. at 810, 815. The landowner subsequently filed an action to quiet title and asserted that the city's interest in the alleyway was extinguished under the MRTA. *Id*. at 810. Conversely, the city argued that the MRTA did not extinguish its interest in the disputed land, contending that section 614.32(1) was applicable under the facts of the case and accordingly preserved its interest in the alleyway acquired prior to the landowner's root of title. *Id*. at 813.

To determine whether section 614.32(1) was applicable, our supreme court reasoned it had to answer three questions:

> (1) Is the city's interest in the disputed property inherent in the muniments of title—in this case, deeds—forming [the landowner's] chain of record title? (2) Was the city's interest created prior to [the landowner's] root of title? and (3) If so, do the deeds specifically identify the record title transaction that created the city's interest?

Id. at 814. First, the court determined that "[t]he specific reference in the deeds to that part of the property 'originally platted as an alley' satisfie[d] the requirement that the interest be inherent in the documents forming [the landowner's] chain of record title." *Id*. As to the second question, the parties agreed that the 1950 deed was the landowner's root of title and that the city's interest was created prior to 1950. *Id*. at 815. In addressing the third question, the court noted that "[b]ecause the city's interest in the alley property was created prior to 1950, the deeds must specifically identify the 'record title transaction' creating the city's interest in order for that interest to be preserved." *Id*. (citing Iowa Code § 614.32(1)). Because the court determined the city's record title document, the original 1854 plat for the city, was sufficiently identified by the deeds' reference to the "Original Plat of the Town of Harpers Ferry, Iowa," it found that the prerequisites of section 614.32(1) were met. *Id*. The court further explained:

> Not only do the facts before us satisfy the literal requirements of section 614.32(1), but a conclusion that the city's interest was not extinguished is also consistent with the underlying purpose of the [MRTA]. The statutory exceptions to marketable record title should not be interpreted and applied in such a way as to undermine the purpose of the act, which is to simplify title transactions by shortening the period that must be searched to establish marketable title. In the case before us, a person searching the chain of record title for the obligatory forty years would be alerted not only to the fact that the town of Harpers Ferry had platted a portion of the property as an alley, but would also be informed of the document creating this interest, namely the original plat of the city. Under these circumstances, the title transfer process is not unduly burdened by a focused search to determine whether the city's interest in the alley had ever been vacated. Such a search was not undertaken here because [the landowner] did not have an abstract of title prepared until after his dispute with the city surfaced.

Id. (internal citations omitted). Consequently, the court concluded the landowner could not rely on the MRTA to extinguish the city's interest in the disputed land. *Id*.

Applying our supreme court's analysis in *Fencl* to the present case, section 614.32(1) applies in the present case to preserve Lake View's interest in the disputed property if the following are established: (1) Lake View's interest in the disputed property is inherent in the muniments of title—in this case, Houston's 1964 deed—forming Houston's chain of record title, (2) Lake View's interest was created prior to Houston's root of title, and (3) Houston's deed specifically identifies the record title transaction that created Lake View's interest. Houston does not dispute that Lake View's interest was created prior to his root of title, his 1964 deed, thus satisfying the second criteria. Whether section 614.32(1) applies in this case hinges on whether Lake View's interest in the disputed property is inherent in Houston's 1964 deed and whether Houston's 1964 deed specifically identified the record title transaction that created Lake View's interest.

Lake View asserts that its interest in the disputed property is inherent in the documents forming Houston's chain of record title. Specifically, Lake View maintains that the Lakewood Park plat is part of Houston's chain of record title, constituting a muniment of his title. Lake View further argues that because Houston's deed includes Government Lot 1, and Government Lot 1 is specifically contained in the Lakewood Park plat, that is enough to place a reasonable person on notice that a part of Government Lot 1 was platted and that the plat

included the roadway in question, satisfying the first requirement of section 614.32(1).

We note that under section 614.32(1), actual notice does not suffice to protect interests created prior to a root of title from being extinguished by section 614.31.[10] *See also Cunningham*, 501 So. 2d at 651-52. Additionally, although Lake View asserts that the Lakewood Park plat is part of Houston's chain of record title, constituting a muniment of his title, the Lakewood Park plat cannot be a muniment of Houston's title because the plat is not a deed, will, or other such document through which title of land passed to Houston and upon which Houston's title's validity depends. *See id*. at 652; *see also* Iowa Land Title Standards, standard 11.2 cmt. 2, at 56 (noting the link in an unbroken chain of title of record may consist of documents such as "a deed, a will admitted to probate, intestate administration, or a decree of the Federal or State District Court of record . . . .").

As stated above, the first question is whether Lake View's interest in the disputed property is inherent in Houston's 1964 deed forming Houston's chain of record title. Here, there is no reference in Houston's 1964 deed, general or specific, identifying Lake View's interest as required under the plain language of section 614.32(1) and *Fencl*. Consequently, Lake View cannot satisfy the first requirement that its interest is inherent in the deed forming Houston's chain of record title.

[10] We also note that our MRTA provides a method for preserving and protecting claims, rights, and interests adverse to the one record title made marketable by the act. *See* Iowa Code § 614.31.

However, even if Lake View met the first requirement of *Fencl*, it must still satisfy the third requirement, that Houston's deed specifically identify the "record title transaction" that created Lake View's interest in the disputed property.[11] Here, the record title transactions relied upon by Lake View are the 1916 and 1933 Denison Beach plats and the 1933 Lakewood Park plat.[12] However, those plats are not identified in Houston's 1964 deed. Although Lake View suggests that an exception in Houston's deed excluding "all of Subdivision No. One (1) of the extended Lake Wood Park Addition . . . as platted February 7, 1955 and recorded . . . and the roadway included in said plat" constitutes a reference to the Lakewood Park plats, this plat is not a part of the record before us and, like the others, this reference in the deed does not identify the record title transaction relied upon by Lake View here. Because Houston's deed does not specifically identify the record title transaction relied upon by Lake View as creating its interest in the disputed property, we must conclude that Lake View cannot satisfy the third *Fencl* requirement.[13]

The facts before us do not satisfy the literal requirements of section 614.32(1), or the requirements of *Fencl*. Furthermore, our conclusion that Lake View's interest was extinguished is also consistent with the underlying purpose of the MRTA. We reiterate our supreme court's explanation in *Fencl*:

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[11] "The marketable record title is subject to all interests and defects created by or specifically identified in the instrument which constitutes the root of title." Iowa Land Title Standards ch. 11, standard 11.3, at 57 and comments therein.

[12] Although Lake View relies upon the Denison Beach plats, it concedes that these plats are not part of Houston's record chain of title, as the plats contain land located only in Section Thirty-three, and the disputed property is located only in Section Thirty-four.

[13] We question whether the Denison Beach Plats and Lakewood Park plats relied upon by Lake View here actually create Lake View's interest in the disputed property, as the disputed property is not in the legal descriptions of these plats. However, because Houston does not assert this issue, we do not address it.

> The statutory exceptions to marketable record title should not be interpreted and applied in such a way as to undermine the purpose of the act, which is to simplify title transactions by shortening the period that must be searched to establish marketable title.

Fencl, 620 N.W.2d at 815.

The case before us is unlike *Fencl*, where the deed specifically referenced the disputed property and the city's ownership interest. Here, a person searching Houston's chain of record title for the obligatory forty years would not be informed of the documents relied upon by Lake View as creating its interest in the disputed property.[14] Accordingly, we conclude Lake View's interest in the disputed property was extinguished under the MRTA. We therefore reverse the judgment of the district court quieting title to the disputed property in Lake View and dismiss Lake View's petition.

IV. Conclusion.

Because we conclude Lake View's interest in the disputed property was extinguished under the MRTA, we reverse the judgment of the district court quieting title to the disputed property in Lake View and dismiss Lake View's petition to quiet title.[15] Houston shall return to Lake View any reimbursement he received from the city made pursuant to the district court's order of November 5, 2007.

REVERSED AND DISMISSED.

[14] We note this conclusion is also supported by the Sac County Attorney's 1998 title opinion opining that Houston was the owner of the disputed property.

[15] We therefore need not and do not address the remaining grounds urged by Houston for reversal of the court's ruling.