

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CHARLES DORMAN and GAIL	§	
DORMAN,	§	
	§	No. 57, 2004
Respondents Below,	§	
Appellants,	§	Court Below–Court of
	§	Chancery of the State of
v.	§	Delaware, in and for Sussex
	§	County in C.A. No. 2221-S.
EMILY MITCHELL,	§	
	§	
Petitioner Below,	§	
Appellee.	§	

Submitted: July 22, 2004
Decided: November 1, 2004

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices.

ORDER

This 1st day of November 2004, upon consideration of the appellants’ opening brief and the appellee’s motion to affirm pursuant to Supreme Court Rule 25(a), it appears to the Court that:

(1) The appellants, Charles and Gail Dorman, filed this appeal from a memorandum opinion of the Court of Chancery dated January 16, 2004. The appellee, Clara Emily Mitchell, has filed a motion to affirm the Court of Chancery’s judgment on the basis that it is manifest on the face of the Dormans’ opening brief that the appeal is without merit. We agree and affirm.

(2) In October 2002, Mitchell brought an action to quiet title in a half-acre of land (“the property”) that she had mistakenly conveyed to another party in 1971. Notwithstanding the mistaken conveyance, Mitchell continued to use and maintain the property as if she owned it, and she continues to do so to this day.

(3) After the mistaken conveyance, the property changed hands several times and ultimately ended up in the Dormans’ names in 1993. The Dormans knew at the time of purchase that there were issues raised in the past regarding the ownership and location of the property. The Dormans, however, did not arrange for a survey of the property, nor did they discuss the matter with Mitchell before purchasing the property.

(4) By memorandum decision dated January 16, 2004, the Court of Chancery granted summary judgment to Mitchell. The Court denied summary judgment to the Dormans.

(5) This Court reviews *de novo* a Court of Chancery decision granting summary judgment.¹ Summary judgment is appropriate when no genuine issue

¹*Kaufman v. C.L. McCabe & Sons, Inc.*, 603 A.2d 831, 833 (Del. 1992).

of material fact exists, and the moving party is entitled to judgment as a matter of law.²

(6) We have carefully considered the record and the parties' respective positions and find it manifest on the face of the Dormans' opening brief that the judgment should be affirmed on the basis of the Court of Chancery's decision dated January 16, 2004. The Court of Chancery correctly concluded that there was no genuine issue of material fact regarding any of the legal issues posed by the parties. This Court agrees that Mitchell established all of the necessary elements of an adverse possession claim,³ and that her legal title in the property vested in 1991, two years before the Dormans came into contact with the property. The Court of Chancery properly rejected the Dormans' defenses of laches and equitable estoppel on the basis that any prejudice suffered by the Dormans was not due to Mitchell.⁴

²Del. Ch. R. 56(c); *Burkhart v. Davies*, 602 A.2d 56, 59 (Del. 1991).

³To claim the property by adverse possession, Mitchell had to show that she possessed the property in an open, notorious, hostile and exclusive manner for a twenty-year period. *Cox v. Lakshman*, 1989 WL 90713 (Del. Supr.); *David v. Steller*, 269 A.2d 203 (Del. 1970).

⁴*See Hudak v. Procek*, 806 A.2d 140 (Del. 2002) (providing that doctrine of laches bars action in equity if delay in bringing action unfairly prejudices defendant); *see Burge v. Fidelity Bond and Mortgage Co.*, 648 A.2d 414 (Del. 1994) (providing that doctrine of estoppel applies when party's conduct induces detrimental reliance).

NOW, THEREFORE, IT IS ORDERED that Mitchell's motion to affirm is GRANTED. The judgment of the Court of Chancery is AFFIRMED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice