

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JEFFREY EVERETT,	§	
	§	No. 57, 2002
Defendant Below,	§	
Appellant,	§	Court Below—Court of
	§	Chancery of the State of
v.	§	Delaware in and for Sussex
	§	County in C.A. No. 1967-S.
KAREN ROWE and RICHARD	§	
ROWE,	§	
	§	
Plaintiffs Below,	§	
Appellees.	§	

Submitted: October 31, 2002
Decided: December 16, 2002

Before **WALSH, BERGER** and **STEELE**, Justices.

ORDER

This 16th day of December 2002, upon consideration of the appellant’s opening brief and the appellees’ motion to affirm pursuant to Supreme Court Rule 25(a), it appears to the Court that:

(1) The appellant and the appellees were neighbors near Seaford, Delaware.¹ The record reflects that the appellees, Richard Rowe and Karen Rowe, filed a verified complaint in the Court of Chancery for a preliminary and permanent injunction and for an order to quiet title. The complaint alleged that the appellant, Jeffrey Everett, had blocked access to the Rowes’ driveway that

¹It appears from the record that the appellant may no longer reside in Delaware.

traveled over a small part of Everett's land and then onto a public road. The Rowses claimed that they were entitled to an easement by prescription across the blocked portion of Everett's land that was formerly occupied by their driveway, and they sought preliminary and permanent injunctive relief.

(2) By order dated January 8, 2002, the Court of Chancery found that the Rowses had produced sufficient evidence to support a finding that they were entitled to a prescriptive easement that protected their right to use the portion of their driveway that extended onto Everett's land. Moreover, the Court permanently enjoined Everett, his heirs, successors, and assigns², from interfering with the use of the prescriptive easement.³ This appeal followed.

(3) In his opening brief on appeal, Everett argues that the Court of Chancery erred when granting the Rowses' motion for summary judgment and their request for a permanent injunction. First, Everett argues that the Rowses did not "produce clear and convincing evidence of an easement." Alternatively,

²The appellant was the named defendant in the complaint and was the owner of the property when the suit commenced in January 1999. A year later, the appellant quit-claimed the property to an entity known as "International Interfaith, Ministries, Inc.," which soon thereafter attempted to quit-claim the property to an entity known as "Good Faith Ministries." Court of Chancery Rule 25(c) provides that "[i]n case of any transfer of interest, the action may be continued by or against the original party."

³The Court of Chancery's January 8 order also confirmed a Master's final report dated December 20, 2001, that determined the specific location of the easement, as based upon a survey and metes and bounds description.

to the extent there was an easement, Everett argues that the easement was abandoned for a period of time and thus extinguished. Moreover, Everett contends that the Court of Chancery erred when determining the dimensions and location of the easement. Next, Everett argues that the Court of Chancery abused its discretion when granting a permanent injunction. He argues that the Court of Chancery failed to address his “discovery concerns.” Finally, Everett complains that the Court of Chancery failed to address certain “criminal acts” that were allegedly perpetrated by the Rows and directed toward Everett and/or his associates and his property during the pendency of the lawsuit. Everett’s contentions are unavailing.

(4) The Court has carefully considered the parties’ submissions as well as the extensive record from the Court of Chancery and finds it manifest on the face of the opening brief that this appeal is without merit. The Court of Chancery’s decisions reflect a thorough review of the matter, careful legal analysis, proper application of the law, and no abuse of discretion. There is nothing in the record to support Everett’s contentions that the Court of Chancery committed either an error of law or an abuse of discretion when determining the existence of an easement and the need for a permanent injunction to prevent interference with the use of the easement. The judgment

of the Court of Chancery should be affirmed on the basis of, and for the reasons set forth in, the Master's well-reasoned final report dated December 20, 2001, as confirmed by the Court of Chancery on January 8, 2002, as well as the Master's well-reasoned final report dated June 21, 2001, as approved by the Court of Chancery on August 22, 2001.

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

BY THE COURT:

/s/ Carolyn Berger
Justice