

Stamm v. Fisher

Case Number

A-14-0592

Call Date

May 13, 2015

Case Time

9:00 AM

Case Audio

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Case Summary

A-14-0592, Vikki S. Stamm (Appellant) v. Ryan Fisher; Bradley Fisher; Harvey G. Fisher; Barbara J. Fisher; Henry D. Fisher and/or Heirs; Charlotte A. Reicks and /or Heirs; and all persons having or claiming any interest in and to a tract of land located in the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4) of Section Seven (7), Township Ten (10), Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska

Buffalo County, District Court Judge Teresa K. Luther

Attorney for Appellant: Michele J. Romero (Stamm Romero & Associates, P.C., L.L.O.)

Attorney for Appellees: Larry W. Beucke (Parker, Grossart, Bahensky, Beucke & Bowman, L.L.P.)

Civil Action: Real Estate

Action Taken by Trial Court: The district court entered an order granting, in part, Appellees' claim for adverse possession. The court provided a legal description to the parties and quieted title to Appellant in other portions of the property. The court ordered a fence to be constructed dividing the parties' tracts of land, with the cost of construction to be shared equally by the parties. The court also awarded damages to Appellant for the reimbursement of the real estate taxes paid on the contested property. The tax recovery was limited based upon the statute of limitations, to the amount Appellant paid for the four years prior to the filing of the action. The district court denied Appellant's motion for a new trial.

Assignments of Error on Appeal: Was there sufficient evidence to sustain a judgment of adverse possession? Did the district court err in denying Appellant's request to introduce hearsay statements under the residuary exception? Did the district court err in overruling Appellant's motions for summary judgment, motion for injunction, and motion for a new trial? Did the court err in restricting Appellant's recovery for damages to the last four years based on the statute of limitations?

Assignment of Error on Cross-Appeal: Did the district court err in modifying the legal description of Appellee's property to exclude a 30-foot strip of land south of the boundary line?

Case Location

North Platte

Panel Text

