

Brown v. Jacobsen Land and Cattle Company

Case Number

S-18-0803

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January 29, 2019

Court Number

Banner

Case Location

Lincoln

Case Summary

S-18-0803, Terry P. Brown and Linda S. Brown v. Jacobson Land and Cattle Company v. State of Nebraska, ex. Rel., Game and Parks Commission (Appellant)

Banner County District Court, Judge Leigh Derek C. Weimer

Attorneys: Andrew W. Snyder (Chaloupka, Holyoke, Snyder, Chaloupka & Longoria, PC, LLO) --- Charles E. Chamberlin (Attorney General's Office) (Appellant)

Civil: Property; Adverse possession

Proceedings Below: In Brown v. Jacobson Land and Cattle Company, 297 Neb. 541 (2017), the Supreme Court remanded the matter to the district court and ordered a new trial. On remand, the district court found in favor of the Appellee Brown.

Issues: Whether the trial court erred in 1) determining that Appellee Brown met his burden to prove his use of the disputed property was adverse, notorious, actual, exclusive, and continuous for the statutory period to obtain adverse possession; 2) determining that Appellee Brown did not begin his use of the disputed property by permission from James and Mary Jessup or John and Alan Jessup; 3) determining that the fence around the disputed property was constructed as a boundary line; 4) failing to determine that the State's equitable defense of unclean hands prevented Appellee Brown from obtaining adverse possession of the disputed property; 5) failing to determine that the State's equitable defense of laches prevented Appellee Brown from obtaining adverse possession of the disputed property; 6) failing to determine that the State's equitable defense of equitable estoppel prevented Appellee Brown from obtaining adverse possession of the disputed property.
