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NO. 90291-7

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SUPREME COURT
OF THE STATE OF WASHINGTON

MAGDALENO GAMBOA and MARY GAMBOA
husband and wife,

Petitioners,

v.

JOHN M. CLARK and DEBORAH C. CLARK
husband and wife,

Respondents.

SUPPLEMENTAL BRIEF OF PETITIONERS

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 ORIGINAL

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I. STATEMENT OF THE CASE

Magdaleno and Mary Gamboa (“the Gamboas”) and John and Deborah Clark (“the Clarks”) own adjacent parcels of real property. Exhibit (“Ex.”) 9. The Gamboas’ and the Clarks’ respective parcels were created in 1964, when the original parent parcel was divided into two lots. CP 213. A dirt and gravel driveway (hereinafter, the “driveway” or “roadway”) runs in along and, at various points, on both sides of the parties’ shared boundary. CP 213; RP¹ 180-81; Ex. 13. The trial court found that the disputed roadway pre-existed the creation of what are now the Gamboas’ and the Clarks’ parcels, but the record does not disclose who built the road and when.² CP 213; RP 187, 283. The owners of the parent parcel retained what is now the Gamboas’ parcel after dividing the parent parcel. CP 213.

Since moving to their property in 1992, the Gamboas have accessed their residence and farm acreage by the driveway. CP 213. The Gamboas have continuously used the driveway as the sole access to their house and for farming purposes. CP 213; RP 49. The Gamboas never requested or received permission to use the roadway. RP 26; CP 213.

¹ Volumes I, II, and III of the Verbatim Transcript of Trial September 12, 14, 1011 and on October 27, 2011 are consecutively paginated and collectively referred to as “RP”.

² An appellate court may review the record to determine whether evidence in the record supports a trial court’s findings of fact. *Humphrey Industries, Ltd. v. Clay Street Assoc., LLC*, 176 Wn.2d 662, 675, 295 P.3d 231 (2013).

They improved the driveway by laying down heavy rocks, then sand and dirt, and then gravel. RP 24; CP 213-14. The Gamboas maintained the driveway by blading it in the summer and removing snow in the winter. RP 24; CP 214. They also built a shop on their property that they accessed by the driveway. CP 213.

The Clarks moved to their property in 1995. CP 213. The Clarks have used the disputed roadway to farm one row of grapes and to spray for weeds in their grapes. CP 214. The trial court found that the Clarks “have used the roadway to maintain the road for farming purposes”, although the court never made a finding that they actually maintained the road. CP 214.

The trial court expressly discredited Mr. Clark’s testimony that he told Mr. Gamboa that the Gamboas could use the road as long as they did not interfere with the Clarks’ farming activities. CP 215; RP 167, 285. Mr. Clark sent a letter to Mr. Gamboa acknowledging that the parties had never had a conversation concerning who owned the land on which the driveway was situated. CP 215. The trial court found that Mr. Clark’s letter contradicted his testimony at trial that he gave Mr. Gamboa express permission to use the roadway. CP 215. In explaining the basis for its findings, the trial court characterized Mr. Clark’s self-contradicting testimony as “the critical issue in this case.” Verbatim Transcript of Proceedings on December 14, 2011 and March 22, 2012 (“TOP”) at 19.

In explaining the basis for its finding of fact that “Mr. Clark did not give the Gamboas’ [sic] express or implied permission to use the road, and therefore, the use of the road by the Gamboas was adverse[.]” the court stated: “Yeah, I don’t think there was any permission, implied or otherwise.” TOP 21. At a subsequent hearing, the court reiterated that its finding “that Mr. Clark did not give the Gamboas express or implied permission to use the roadway and therefore the use of the road was adverse” is the “critical part of these findings and conclusions.” TOP 56.

The trial court found that the Gamboas used the roadway with neither express nor implied permission from the Clarks and ruled that the Gamboas’ use was adverse. RP 285; *See* CP 215. Accordingly, the trial court granted the Gamboas a limited, non-exclusive easement over the roadway. CP 216-17.

The trial court further determined that the Gamboas were the road’s primary users. RP 287; CP 217; TOP 59. Accordingly, the court ordered them to maintain the road. RP 287; CP 217. In explaining why it required the Gamboas to maintain the driveway, the court stated that Mr. Gamboa was “the one who’s basically using it, at least most of the time he’s the one who’s using it.” TOP 59.

II. ARGUMENT

A. Standard of Review

A person claiming a prescriptive easement must show “use of the servient land that is: (1) open and notorious; (2) over a uniform route; (3) continuous and uninterrupted for 10 years, (4) adverse to the servient owner; and (5) with the servient owner’s knowledge at a time when he or she could assert and enforce his or her rights.” *Drake v. Smersh*, 122 Wn. App. 147, 151, 89 P.3d 726 (2004). A claimant’s use is adverse when the claimant “uses the property as a true owner would, under a claim of right, disregarding the claims of others, and asking no permission for such use.” *Id.* at 152 (citations omitted).

Whether use is adverse or permissive is a question of fact. *Roediger v. Cullen*, 26 Wn.2d 690, 710, 175 P.2d 669 (1946); *see Cuillier v. Coffin*, 57 Wn.2d 624, 628, 358 P.2d 958 (1961). This Court must uphold the trial court’s factual findings where credible evidence supports the findings and the legitimate inferences therefrom. *Id.* This Court reviews de novo whether a trial court’s findings support its conclusions of law. *Bingham v. Lechner*, 111 Wn. App. 118, 127, 45 P.3d 562 (2002).

The record supports the trial court’s findings that the Gamboas used the roadway without the Clarks’ express or implied permission and that the Gamboas’ use was adverse. CP 216. Accordingly, this Court should affirm the trial court and reverse *Gamboas v. Clark*, 180 Wn. App. 256, 321 P.3d 1236 (2014).

B. The Court should reaffirm the rule in *Cuillier*³ that a trial court determines the ultimate fact of adverse or permissive use from the evidence in the record.

This Court should continue to follow Washington's rule that the trial court determines the issue of adverse or permissive use when the evidence and legitimate inferences therefrom support the trial court's determination. Adversity, or hostility, is "the area of greatest confusion" in prescriptive easement cases. 17 WILLIAM B. STOEBUCK & JOHN W. WEAVER, WASHINGTON PRACTICE, REAL ESTATE: PROPERTY LAW § 2.7 (2d. ed. 2004). Professor Stoebuck and Professor Weaver note that:

All 'hostility' should mean is that the usage was without the owner's permission [...] . . . Therefore, there is nothing wrong with saying, as some Washington decisions do, that the burden of proving hostility is on the claimant. However, since hostility is simply lack of permission, the claimant is in the position of having to prove a negative and ought to be able to make out prima facie proof of hostility without actually having to prove this negative.

Id. (footnotes omitted). Given the difficulty of proving a negative and usually nonexistent direct evidence of adverse or permissive use, Washington courts allow claimants to prove adverse or permissive use indirectly, through inferences. *See id.*

³ *Cuillier v. Coffin*, 57 Wn.2d 624, 358 P.2d 958 (1961).

In *Northwest Cities Gas Co. v. Western Fuel Co.*, 13 Wn.2d 75, 82-88, 123 P.2d 771 (1942), this Court recited 16 principles that were “definitely established” or that “should be adopted” in prescriptive easement cases. Among the 16 enumerated principles was the following:

[P]roof that use by one of another’s land has been open, notorious, continuous, uninterrupted, and for the required time creates a *presumption* that the use was *adverse*, unless otherwise explained, and, in that situation, in order to prevent another’s acquisition of an easement by prescription, the burden is upon the owner of the servient estate to rebut the presumption by showing that the use was permissive.

N.W. Cities, 13 Wn.2d at 85. (emphasis in original). In *Cuillier*, this Court acknowledged the “presumption” of adverse use noted in *Northwest Cities*, but held that “a more accurate statement . . . would be that such unchallenged use for the prescriptive period is a circumstance from which an *inference* may be drawn that the use was adverse.” *Cuillier*, 57 Wn.2d at 627 (emphasis added). A presumption *requires* the fact finder to assume Fact B upon proof of Fact A, while an inference simply *allows* the fact finder to assume Fact B upon proof of Fact A. 5 KARL B. TEGLAND, WASHINGTON PRACTICE: EVIDENCE LAW AND PRACTICE §301.9 (5th ed. 2013) (emphasis added).

In *Cuillier*, this Court held that a “trial court [is] clearly entitled to find, from all of the circumstances, the ultimate fact that the defendants’

use of the road was permissive and not adverse.” *Id.* at 628. The claimants in *Cuillier* established merely that they used an orchard road without formal permission for the prescriptive period. *Id.* at 626. Aside from unchallenged use, there was no evidence of any action indicative of the claimants’ claim of right to use the road. *Id.* This Court held that the claimants’ unchallenged use was “but one circumstance [supporting an inference of adverse use], and there may well be a combination of circumstances from which the trier of facts could determine that such use was permitted as neighborly courtesy and was not adverse.” *Id.* at 627.

In explaining that unchallenged use for the prescriptive period may support an inference of adverse use and that other facts may support an inference of permissive use, the *Cuillier* court merely acknowledged that a fact finder must weigh the evidence concerning use and, if necessary, draw reasonable inferences therefrom to determine whether use is adverse or permissive. In *Cuillier*, this Court held that the record was devoid of any evidence to show the claimants sought to impose a separate servitude upon the servient owner’s land, as distinguished from a neighborly, permissive use. *Id.* at 628. Accordingly, this Court held that the trial court’s finding that the use was permissive was supported by substantial evidence in the record. *Cuillier*, 57 Wn.2d at 625-26, 628.

Under *Cuillier*, a trier of fact in a prescriptive easement case is allowed to determine credibility of evidence and draw reasonable inferences from the credible evidence in the record to determine whether a claimant's use is adverse or permissive. And *Cuillier* made clear that an appellate court should not second guess a trial court's determination on whether use is adverse when evidence in the record, and reasonable inferences therefrom, support the trial court's determination. *Cuillier*, 57 Wn.2d at 628 (“[w]hether . . . we would have made the same finding . . . is not material; the finding . . . will not be disturbed where credible evidence and the legitimate inferences therefrom sustain it.”); *Cf. State v. Thomas*, 150 Wn.2d 821, 874, 83 P.3d 970 (2004) (“This Court must defer to the fact finder on issues of conflicting testimony, credibility of witnesses, and the persuasiveness of the evidence.”).

This Court should apply the rule in *Cuillier* that the trial court is entitled to find the ultimate fact of adverse or permissive use based on the credible evidence and legitimate inferences. Applying the rule in *Cuillier*, this Court should not substitute its judgment for the trial court's judgment, which is supported by substantial evidence in the record, that the Gamboas' use was adverse. CP 213-17.

C. A servient landowner in a developed land case is not entitled to a presumption of permissive use.

This Court should reject the Court of Appeals' application of a presumption of permissive use in a case involving developed land. To the extent that a presumption of permissive ever applies in a prescriptive easement case, it applies only in cases involving vacant and unenclosed land. See *Drake*, 122 Wn. App. at 153-54 (courts only apply the "vacant lands doctrine" and its presumption of permissive use in cases involving undeveloped land); 17 STOEBUCK, WASH. PRAC. §2.7 at 102 (Noting that *Northwest Cities* stated that there is a presumption of permissive use in cases involving vacant, unenclosed land). In *Roediger*, this Court noted that if lands are unenclosed, "the presumption is that the use [is] permissive and that, therefore, that no easement [is] acquired. *Roediger*, 26 Wn. 2d at 710-11. This Court then stated, however, that in *Blue Ridge*,⁴ "the chief circumstance inducing [the] inference [that usage was permissive] was the character of the lands involved. They were unenclosed." *Id.* at 710.

Ultimately, *Roediger* did not apply the presumption or inference applicable to vacant land cases. Rather, *Roediger* held that use that is permissive in its inception cannot become adverse until "a distinct and positive assertion of a right hostile to the owner" is "brought home to [the servient owner]." *Roediger*, 26 Wn.2d at 714. The claimed prescriptive

⁴ *State ex rel. Shorett v. Blue Ridge Club*, 22 Wn.2d 487, 156 P.2d 667 (1945).

easement in *Roediger* was a footpath that crossed multiple beachfront lots and provided the lot owners, among other things, access to a ferry. *Roediger*, 26 Wn.2d at 691-92. *Roediger* held that the claimants' use was permissive *in its inception*, noting the land involved was a pioneer-type settlement of the public domain and that living on the parcels accessed by the disputed pathway "would have been unbearable, if not impossible but for . . . neighborly accommodations." *Roediger*, 26 Wn.2d at 712-713.

Roediger further held that if use is permissive in its inception, then the use will remain permissive until the claimant makes a "distinct and positive assertion of a right hostile to the owner, and brought home to him. . . ." *Id.* at 714. Because the claimants established only that their use was unchallenged and without permission for the prescriptive period, this Court held that they did not establish a distinct and positive assertion of a right hostile to the servient owner that transformed their initial permissive use to adverse use. *Id.* at 707, 714.

Roediger did not create a presumption of permissive use in developed land cases and did not hold that evidence of neighborly accommodation created a presumption of permissive use. Rather, in acknowledging that the question of adverse use is a question of fact, *Roediger* held that in the absence of evidence of express permission, a trier of fact may infer permissive use from the circumstances surrounding

usage. *Roediger*, 26 Wn.2d at 709-10. And *Roediger* held that, under the circumstances in that case, the claimants' use arose from the "inevitable inference" that the claimants used the disputed roadway through neighborly accommodation or "common consent and acquiescence", necessitated by the nature and location of the land. *Id.* at 712-713.

In *Northwest Cities*, this Court stated the principle that "[w]hen one enters into the possession of another's property there is a presumption that he does so with the true owner's permission and in subordination to the latter's title." *N.W. Cities*, 13 Wn.2d at 84. Taken out of context and viewed in isolation, the above-quoted "principle" has factored into the confusion in prescriptive easement cases. In addition to the above-quoted principle, *Northwest Cities* states: (1) the question of adverse user is a question of fact; (2) a prescriptive easement claimant can establish a prescriptive right by showing open, notorious, continuous, uninterrupted use over a uniform route for the prescriptive period, with the servient owner's knowledge at a time when he could assert his rights; and (3) proof of open, notorious, continuous, uninterrupted use for the prescriptive period creates a presumption that the use was adverse. *Id.* at 84-85. Accordingly, courts that rely merely on the statement that use of another person's property is presumed permissive fail to properly analyze prescriptive easement claims in the context of developed Washington law.

Division I of the Court of Appeals has correctly recognized that it is improper to apply a presumption of permissive use in developed land cases. *Drake v. Smersh*, 122 Wn. App. at 153-154, modified *Kunkel v. Fisher*, 106 Wn. App. 599, 603-04, 23 P.3d 1128 (2001), because *Drake* recognized that *Kunkel* improperly applied a presumption of permissive use. Relying on cases that read the *Northwest Cities* “principle” that use of another’s property is presumed permissive out of context and in isolation, *Kunkel* held that a prescriptive easement claimant’s use is presumed permissive at the outset and that, unless the claimant makes a distinct positive assertion of a right adverse to the servient owner to overcome the presumption of permissive use. *Kunkel*, 106 Wn. App. at 603-04, n. 13. *Kunkel* is silent as to whether evidence in that case showed that the claimant’s use was permissive in its inception, a circumstance that, according to *Roediger*, requires the claimant to make a distinct and positive assertion of a right hostile to the owner to transform the permissive use into adverse use. See *Roediger*, 26 Wn.2d at 713-14. Nonetheless, *Kunkel* held that a presumption of permissive use existed and that the claimant did not overcome the presumption by making a distinct positive assertion of a right adverse to the servient owner. *Kunkel*, 106 Wn. App. at 604-05.

In this case, Division III’s majority extended the “presumption of permissive use” to a scenario in which the claimants were the primary users of a road built by the claimants’ and the servient owners’ common predecessor in interest, the claimants used the roadway as the sole access to their home, and the servient owner’s use was occasional and far less intense than the claimants’ use. CP 213-14. The Court of Appeals stated that *Roediger* “held the implication of permissive use ‘applicable to *any situation where it is reasonable to infer that the use was permitted by neighborly sufferance or acquiescence.*” *Gamboa*, 180 Wn. App. at 270 (quoting *Roediger*, 26 Wn.2d at 707) (emphasis in original). The Court of Appeals then weighed the evidence, determined that the Clarks presented substantial evidence⁵ of neighborly accommodation, and held that the Gamboas failed to overcome the “*presumption of permissive use.*” *Gamboa*, 180 Wn. App. at 281-82 (emphasis added).

Professor Stoebuck and Professor Weaver, in 17 WASHINGTON PRACTICE, REAL ESTATE: PROPERTY LAW § 2.7 at 102, criticize the purported presumption of permissive use, on which *Kunkel* and the Court of Appeals relied. And Division I of the Court of Appeals, in *Drake* noted

⁵ Notably, before engaging in substantial evidence review to support its holding that the Clarks permitted the Gamboas’ use through neighborly accommodation, the Court of Appeals criticized and disagreed with the Gamboas’ argument that *Drake* required the court to engage in substantial evidence review. *Gamboa*, 180 Wn. App. at 274-75.

that *Kunkel*, and its presumption of permissive use, “was not clearly reasoned[.]” *Drake*, 122 Wn. App. at 154 n. 18.

In *Drake*, the court corrected its erroneous analysis in *Kunkel* and held that that “[i]n developed land cases, when the facts . . . support an inference that use was permitted by neighborly sufferance or accommodation, a court may *imply* that use was permissive and accordingly conclude the claimant has not established the adverse element of prescriptive easements.” *Drake*, 122 Wn. App. at 153-54 (emphasis in original). The court acknowledged the criticism from Professor Stoebuck and Professor Weaver and “recognize[d] that [its] analysis in *Kunkel* extended the *implication* of permissive use by neighborly accommodation too far when [it] applied a *presumption* of permissive use. *Id.* at 153 (emphasis in original).

Neither *Roediger* nor *Cuillier* support a presumption of permissive use in developed land cases. Rather, *Roediger* and *Cuillier* require a fact finder to weigh evidence and, if necessary, draw reasonable inferences from the credible evidence in determining whether use is adverse or permissive. This Court has not applied, and should not recognize, a presumption of permissive use in developed land cases.

D. This Court should not disturb the trial court's findings because the Gamboas presented sufficient evidence to permit an inference of adverse use.

The trial court determined that no credible evidence suggests that the Gamboas used the road with the Clarks' express or implied permission. CP 216. The record supports the trial court's findings and the trial court's findings support its conclusion that the Gamboas established a prescriptive easement. CP 216-17.

1. Nothing in the record suggests that the Gamboas' use was permissive at its inception.

There is no evidence to support an inference that the Gamboas' use was permissive in its inception. Washington courts require a greater showing of adverse use when use is permissive at inception. *See Roediger*, 26 Wn.2d at 713-14; *see also* 17 STOEBCUK, WASH. PRAC. § 2.7 at 104 (“[I]n cases in which permission was originally given, some special facts, which in the law of adverse possession are called an “ouster,” are necessary to overcome the permissiveness of use.”). No evidence in the record suggests that the Gamboas' use was permissive in its inception. The Gamboas used the driveway as their sole access to their house and to farm when they moved onto their property. CP 213. And the Gamboas used the driveway for three years before the Clarks moved onto their

property, and several years more before Mr. Gamboa and Mr. Clark met one another. CP 213; RP 25, 236.

2. The record does not support the inference of permissive use that may arise from a claimant's use of a roadway in common with a servient owner who built the roadway.

There is no common use of a roadway built by a servient owner in this case to support an inference of permissive use. In describing circumstances that may lead to an inference of permissive use, *Cuillier* noted that evidence that a servient user built, maintained, and used a road that the claimant merely used in common with the servient owner, justifies an inference of permissive use. *Cuillier*, 57 Wn.2d at 627. *Cuillier* merely provided an example of a circumstance that may support an inference of permissive use. The inference does not apply in this case because the Clarks did not build the disputed road. CP 213. The parties' common predecessor in interest built the road before the parties' parcels were created. CP 213-14.

The Gamboas' predecessors in interest used the roadway to farm their property and as a driveway and, later, as an alternative driveway to the house on what is now the Gamboas' property. RP 104-05; 184-85, 188. The Gamboas have used the road daily to access their home and use it to farm their property. RP 49-50, 287; CP 164, 217; TOP 59. In

contrast, the Clarks use the road occasionally in connection with their farming activities. *Id.* The Gamboas improved the roadway by applying heavy rocks, sand, dirt and gravel, and have performed almost all of the road maintenance, including blading, snow removal, and mowing. CP 213-15; RP 24, 87, 164. The Gamboas used the road before the Clarks, without permission, and independently of the Clarks. CP 213-15, 217; RP 49, 164; TOP 59. *See Drake*, 122 Wn. App. at 151-52 (“A party can establish a prescriptive right even though the owner of the servient estate and others who wanted to go on the property also used it, so long as the claimant exercises and claims his right independent of others.”).

3. The record does not support an inference that the Clarks permitted the Gamboas’ use through neighborly accommodation.

The record supports the trial court’s refusal to infer that the Clarks permitted the Gamboas’ use through neighborly accommodation. *Drake* is the most analogous Washington case. In *Drake*, the claimant’s predecessor in interest bought a parcel in 1952 that was adjacent to a parcel that had an existing driveway that provided access to the servient owner’s dwelling. *Drake*, 122 Wn. App. at 149. Without objection, the claimant’s predecessor extended the driveway with a bulldozer to gain access to his property. *Id.* The driveway served as the sole access to the claimant’s predecessor’s dwelling, and both property owners used the

driveway without incident. *Id.* The claimant and the claimant's predecessor used and maintained the driveway when necessary without objection or incident. *Id.*

The court held that there was no evidence to support a reasonable inference of permissive use by neighborly sufferance or acquiescence, noting that the claimant's predecessor did not ask for or receive express permission and that nothing in the relationship between the claimant's predecessor and the servient owner's predecessor suggested that permission was implied or that the use was permitted by neighborly sufferance or acquiescence. *Id.* at 154. The court further held that the claimant's predecessor's conduct in extending and maintaining the driveway, using it to bring materials and equipment to build his home and garage, and continuously using the driveway as sole access to his house was sufficient evidence to establish adverse use. *Id.* at 155.

Like the claimant and his predecessor in *Drake*, the Gamboas improved and maintained the roadway, continuously used it as the sole access to their home, and used it to bring materials and equipment to build their garage. CP 213; RP 23-24, 49. The Gamboas used the driveway without permission. CP 213, 215-16; RP 26. And as in *Drake*, nothing about the relationship between the Gamboas and Clarks suggests that the Clarks permitted the Gamboas' use as a friendly or familial

relationship. *Drake*, 122 Wn. App. at 154. In fact, Mr. Gamboa and Mr. Clark did not speak to one another until a couple of years after the Clarks bought their property. RP 25. The trial court discredited the only evidence suggesting that the Gamboas' use was permissive. CP 215-16; RP 285; TOP 19, 21.

The trial court in this case did not believe that the Clarks permitted the Gamboas' use through neighborly sufferance or acquiescence. *See* CP 215-16; RP 285; TOP 19, 21. Accordingly, the trial court did not infer permissive use. Simply because a trier of fact may infer adverse or permissive use does not mean that it must. *See Cuillier*, 57 Wn.2d at 627; 5 TEGLAND, WASH. PRAC. §301.9 ("A presumption requires the fact finder to assume Fact B upon proof of Fact A, while an inference simply allows the fact finder to assume Fact B upon proof of Fact A.").

The credible evidence and inferences therefrom support the trial court's finding that the Gamboas' use of the road was adverse. The trial court found that the Clark's evidence of permissive use was not credible and, accordingly, refused to draw an inference of permissive use. CP 215-17; RP 285; TOP 19, 21, 56. The trial court was entitled to find, from all of the circumstances, the ultimate fact that the Gamboas use of the road was adverse and not permissive. *Cuillier*, 57 Wn.2d at 628. This Court should not disturb a trial court's findings on factual issues where credible

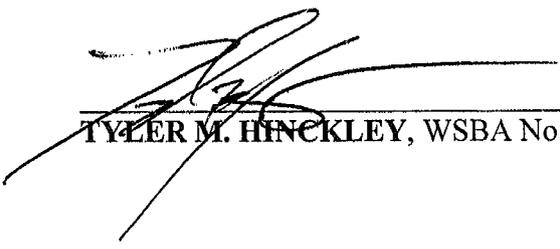
evidence and the legitimate inferences therefrom sustain the trial court's findings. *Cuillier*, 57 Wn.2d at 628; see *Ottis v. Stevenson-Carson School Dist. No. 303*, 61 Wn. App. 747, 755-56, 812 P.2d 133 (1991) (“[T]he appellate court must accept the trial judge’s decision regarding . . . [the] trial judge’s choice of reasonable inferences.”).

III. CONCLUSION

This Court should reverse the Court of Appeals and affirm the trial court’s determination that the Gamboas are entitled to a limited, non-exclusive prescriptive easement.

Respectfully submitted this 2nd day of October, 2014.

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CERTIFICATE OF SERVICE

I hereby declare under penalty of perjury under the laws of the state of Washington that on the date stated below I served a copy of this document in the manner indicated:

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DATED at Yakima, Washington, this 2nd day of October, 2014


Tyler Hinckley
Montoya Hinckley PLLC

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Subject: 90291-7 - Magdaleno Gamboa, et ux. v. John M. Clark, et ux.

Dear Clerk:

Attached for filing please find the Supplemental Brief of Petitioners. Thank you.

Tyler M. Hinckley

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