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**STATE OF MINNESOTA
IN COURT OF APPEALS
A08-2045**

Dale Michel, et al.,
Respondents,

vs.

James Lambrecht, et al.,
Appellants,

**Filed August 18, 2009
Affirmed
Larkin, Judge**

Olmsted County District Court
File No. 55-C9-03-001687

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Considered and decided by Larkin, Presiding Judge; Schellhas, Judge; and
Johnson, Judge.

UNPUBLISHED OPINION

LARKIN, Judge

This appeal arises from a dispute regarding the reasonable use of two easements.
Appellants claim that the district court erred by (1) expanding the scope of the easements,

(2) modifying the parties' substantive rights related to the easements, and (3) failing to support its order with adequate findings of fact. Because we conclude that the district court properly clarified its previous judgment without expanding the scope of the easements or modifying the parties' substantive rights, we affirm.

FACTS

Respondents Dale and Lucille Michel own and farm a 37-acre land-locked parcel of farmland. Appellants James and Mary Lambrecht own and farm the land that surrounds Michels' parcel. Michels access their property by way of two easements. The first easement encumbers the northern portion of Lambrechts' property (north easement) and was created by deed. The second easement encumbers the southern portion of Lambrechts' property (south easement), or the south-field drive. The south easement is a prescriptive easement that was established by the district court in 2004 based on Michels' prior continuous use of the south-field drive. The district court's 2004 judgment establishing the south easement also addresses the north easement and provides as follows: (1) "[Lambrechts] shall not interfere with [Michels'] reasonable use of the [south] prescriptive easement for ingress and egress to [Michels'] land locked parcel."; (2) "[Lambrechts] shall not interfere with [Michels'] reasonable use of the north legal easement."; and (3) "At [Michels'] discretion and expense, the north legal easement may be improved to make it accessible to the equipment used by them."

Lambrechts appealed the 2004 judgment, arguing that the district court erred by establishing the south easement and by authorizing Michels to improve the north easement at their discretion. *Michel v. Lambrecht*, No. A04-389, 2004 WL 2857361, *1

(Minn. App. 2004), *review denied* (Minn. Feb. 23, 2005). We affirmed the district court's order and judgment, holding that the record contained sufficient evidence to support the district court's findings. *Id.*

In May 2008, Michels filed a contempt motion alleging that Lambrechts had interfered with their reasonable use of the north and south easements by farming the servient land. In response, Lambrechts filed their own contempt motion alleging that Michels exceeded their permissible use of the easements by parking trucks, vehicles, and equipment on the servient land. Following an evidentiary hearing, the district court found that Lambrechts “intentionally interfere[d] with [Michels’] reasonable use of the north and south easement[s]” by plowing, planting, and harvesting the servient land. The district court declined to hold either party in contempt but ordered the following: (1) Lambrechts shall not plow, plant, or harvest the servient land; (2) Michels may, at their own expense, plant grass on the servient land and maintain and repair the land as needed; (3) Michels may, as needed, park trucks, vehicles, and equipment on the servient land while working or checking on their field; and (4) the 2004 judgment carries with it by implication the right to do whatever is reasonably necessary for the full enjoyment of the easements. Lambrechts appeal.

D E C I S I O N

Lambrechts argue that by authorizing Michels to park trucks, vehicles, and equipment on Lambrechts' servient land, the district court impermissibly expanded the scope of the easements beyond their stated purpose for ingress and egress. Lambrechts further argue that by prohibiting them from farming their servient land, the district court

modified Lambrechts' substantive rights. Finally, Lambrechts assert that the district court's order is unsupported by adequate findings of fact. Michels argue that the district court simply clarified the reasonable-use provision in the 2004 judgment.

A district court may clarify a judgment if it is ambiguous. *Stieler v. Stieler*, 244 Minn. 312, 318-19, 70 N.W.2d 127, 131 (1955). "A writing is ambiguous if, judged by its language alone and without resort to parol evidence, it is reasonably susceptible of more than one meaning." *Metro Office Parks Co. v. Control Data Corp.*, 295 Minn. 348, 351, 205 N.W.2d 121, 123 (1973). Whether a judgment is ambiguous is a question of law, which this court reviews de novo. *Gray v. Farmland Indus., Inc.*, 529 N.W.2d 514, 516 (Minn. App. 1995), *review denied* (Minn. June 14, 1995).

The supreme court has specifically recognized a district court's authority to clarify a judgment establishing an easement when the judgment is vague and indefinite. *Alvin v. Johnson*, 245 Minn. 322, 323, 71 N.W.2d 667, 668 (1955). In *Alvin*, the judgment provided that the easement should be "of a width for reasonable use thereof." *Id.* at 324, 71 N.W.2d at 668. The supreme court held that if the description of the width of the easement was not sufficiently definite, "the defect may be remedied by moving the [district] court to clarify its judgment by defining the exact width of the easement" and that "parol evidence may be received and considered for the purpose of determining what was intended by the judgment and to evolve a more definite expression thereof." *Id.*

The district court's 2004 judgment provides that Lambrechts shall not interfere with Michels' "reasonable use" of the south and north easements. Lambrechts claim that "reasonable use" is limited solely to ingress and egress consistent with the following

definition from Black's Law Dictionary 798 (8th ed. 2004): to "enter, leave, and reenter the land in question." Michels contend that "reasonable use" means use in accordance with Michels' historic use, as documented in the findings of fact supporting the 2004 judgment. Each party's interpretation of "reasonable use" is plausible under the 2004 judgment; we therefore conclude that the reasonable-use provision is ambiguous. *See Metro Office Parks*, 295 Minn. at 351, 205 N.W.2d at 123. Moreover, the parties' repeated contempt proceedings and disputes regarding the permissible use of the easements indicate that the reasonable-use provision is "too vague and indefinite in [the] present form." *Alvin*, 245 Minn. at 323, 71 N.W.2d at 668.¹

Because the reasonable-use provision is ambiguous, it was appropriate for the district court to clarify the provision. *Id.* at 323-24, 71 N.W.2d at 668-69. While neither party formally requested clarification, the district court implicitly, and wisely, concluded that clarification is necessary to avoid further conflict and litigation regarding reasonable use of the easements.

The particular meaning of an ambiguous provision in a judgment is a question of fact, which this court reviews for clear error. *Tarlan v. Sorensen*, 702 N.W.2d 915, 919 (Minn. App. 2005). The district court's factual findings will not be disturbed if they are

¹ Lambrechts were previously found in constructive civil contempt in May 2005 for having willfully and intentionally violated the 2004 judgment by parking a truck in the south-field drive, thereby blocking Michels' access to the servient land. And the parties have sought and obtained the assistance of the local sheriff's department concerning disputes regarding Michels' reasonable use and enjoyment of the easements.

reasonably supported by the evidence in the record considered as a whole. *Hubbard v. United Press Int'l, Inc.*, 330 N.W.2d 428, 441 (Minn. 1983). And a district court's construction of its own ruling is given great weight. *Johnson v. Johnson*, 627 N.W.2d 359, 363 (Minn. App. 2001), *review denied* (Minn. Aug. 15, 2001).

The same district court judge presided over the proceedings that resulted in the 2004 judgment and the 2008 order construing that judgment. The 2008 order allows Michels to plant grass on the servient land, to maintain and repair the servient land as needed, and to park trucks, vehicles, and equipment on the servient land as needed while working or checking on their field. The order prohibits Lambrechts from plowing, planting, and harvesting the servient land.

The district court's construction of the reasonable-use provision to include parking is consistent with the findings that the district court made when it awarded Michels reasonable use of the easements in 2004. In 2004, the district court found that Michels used the south-field drive for parking and as a turn-around for trucks and equipment in addition to access. Moreover, allowing Michels to plant grass and maintain the servient land is consistent with using the servient land for parking. Finally, a construction of the reasonable-use provision that prohibits Lambrechts from plowing, planting, and harvesting crops in an area where Michels are authorized to park trucks and equipment and to plant grass is reasonably supported by the evidence considered as a whole.

Likewise, the district court's construction of the north-easement reasonable-use provision to allow Michels to plant grass on the servient land and to maintain and repair the servient land, is consistent with its 2004 findings and judgment. The 2004 judgment

granted Michels the right to improve “the north legal easement . . . to make it accessible to the equipment used by them.” And the district court found that Michels had previously improved the servient land by installing dirt and rocks. The 2008 order allowing Michels to plant grass and to maintain the servient land but preventing Lambrechts from plowing, planting, and harvesting is consistent with Michels’ right of improvement under the 2004 judgment. Again, disallowing plowing, planting, and harvesting in an area where Michels are authorized to plant grass is reasonably supported by the record evidence as a whole.

On this record, and considering the weight that we give to a district court’s construction of its own judgment, we hold that the district court’s construction of the reasonable-use provision is not clearly erroneous.

Lambrechts concede that the district court is allowed to clarify the 2004 judgment. But Lambrechts argue that the district court went too far by impermissibly expanding the scope of both easements and by preventing them from earning income from farming, thereby modifying their substantive rights.

The scope of an easement by grant, such as the north easement, is determined by its terms. *See Bergh & Misson Farms, Inc. v. Great Lakes Transmission Co.*, 565 N.W.2d 23, 26 (Minn. 1997). By contrast, the scope of an easement by prescription, such as the south easement, is based on prior continuous use. *See Romans v. Nadler*, 217 Minn. 174, 181, 14 N.W.2d 482, 486-87 (1944). But in this case, both easements are subject to a reasonable-use provision under the 2004 judgment. As previously discussed, the district court properly construed the 2004 reasonable-use provision to allow the

planting of grass, maintenance, and parking. Because these uses are within the scope of the reasonable-use provision, they do not result in an improper expansion.

Lambrechts' substantive rights related to the servient land are limited under the 2004 judgment. The owner of land subject to an easement is allowed to use the land in a manner that does not interfere with the reasonable use of the easement's holder. *See Minneapolis Athletic Club v. Cohler*, 287 Minn. 254, 258, 177 N.W.2d 786, 789 (1970) (explaining that "[g]enerally, the grant of an easement over land does not preclude the grantor from using the land in a manner not unreasonably interfering with the special use for which the easement was acquired"). The district court correctly concluded that Lambrechts' farming of the servient land interferes with Michels' reasonable use of the easements. Because farming is inconsistent with Michels' reasonable use under the 2004 judgment, Lambrechts' substantive rights were not altered by the 2008 order. The 2008 order merely clarifies that farming is not permitted under the 2004 judgment.

Finally, we address the Lambrechts' claim that the district court's order is not reasonably supported by the evidence as a whole. Lambrechts contend that the district court failed to make findings of fact in support of its order. While the district court did not formally label its findings as "findings of fact," the district court clearly made factual findings in support of its order. We review Lambrechts' challenge to the evidentiary basis for the district court's order as a challenge to the district court's factual findings. The findings of the district court will not be disturbed if they are reasonably supported by the evidence in the record considered as a whole. *Hubbard*, 330 N.W.2d at 441.

Lambrechts challenge the district court’s finding that they intentionally interfered with Michels’ reasonable use of the easements by “plowing, planting with crops and harvesting the north and south easement[s].” Lambrechts argue that the evidence demonstrates that (1) Lambrechts did not intentionally interfere with Michels’ ability to use the easements for ingress and egress, (2) Michels are able to navigate their equipment over the servient land after it has been plowed, and (3) Lambrechts plant their crops in rows wide enough to accommodate vehicle crossings without crop damage, consistent with common farming practices.

Our review of the record indicates that the evidence supports the district court’s findings. Dale Michel testified that it is difficult to drive vehicles on land that is farmed because leaves and bugs from crops can enter a vehicle’s radiator and create a hazard and because plowing creates ridges in the soil that pose a risk of damage to vehicles and equipment. Michel further testified that the Lambrechts’ crop rows on the servient land were crooked and that he could not drive over the crops without damaging them. The district court’s findings implicitly indicate that the district court credited Michel’s version of the facts, and we defer to this credibility determination. *See, e.g., Tews v. George A. Hormel & Co.*, 430 N.W.2d 178, 180 (Minn. 1988) (assessing witness credibility is factfinder’s function); *see also In re Estate of Opsahl*, 448 N.W.2d 96, 102 (Minn. App. 1989) (refusing to disturb findings based on credibility assessments).

In summary, the district court’s construction of the reasonable-use provision in the 2004 judgment, as reflected in its 2008 order, is reasonably supported by the record

evidence, is not clearly erroneous, and did not impermissibly expand the scope of the easement or modify the parties' substantive rights.

Affirmed.

Dated: _____

The Honorable Michelle A. Larkin