Developer Overcomes Title Challenge to Complete 2,000-Unit Village

Key Facts
- A neighboring landowner challenged ownership to a strip of land running through our client’s 2,000-unit housing and commercial development
- Mintz filed a lawsuit to quiet title and presented a creative and convincing case at trial
- The client’s new village brings a much-needed housing and commercial center to the San Diego marketplace

The Situation
The client sought to complete development of its 2,000 unit village and commercial center. A neighboring landowner attempted to use an anomaly in the title to challenge ownership to a small strip of land running through the client’s development. The location of the strip prevented development without first resolving the ownership question.

The Approach
The Mintz team, led by Antony Nash and Nada Shamonki, filed a lawsuit to quiet title using the doctrine of adverse possession. Mintz gathered and introduced evidence at trial showing the client’s historical use of the strip for farming and other purposes. Mintz also gathered and presented complicated tax documentation to show that the client paid taxes on the strip in question. Mintz collaborated with skilled expert witnesses and showed over two weeks of live testimony that the client was entitled to quiet title to the property because it met all of the elements of adverse possession. This process required excellent trial presentations by Ms. Shamonki, who walked the court through numerous ancient title documents, and Mr. Nash, who dismantled the opposing party’s case on cross-examination. Mintz summarized its evidence and responded to myriad challenges from opposing counsel in a two-day closing argument that cut to the heart of the client’s case.

Professionals
Antony Nash, Member / Co-chair, Real Estate Litigation Practice
San Diego, San Francisco
ANash@mintz.com
+1.858.314.1084