Circuit Court for Anne Arundel County
Case No. C-02-CV-22-000343

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 1255

September Term, 2023

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DANIEL MOX and LINDA MOX

v.

LISA BELL and MELVIN BELL, JR.

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Reed,
Beachley,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Sharer, J.

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Filed: October 25, 2024

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for persuasive value only if the citation conforms to Md. Rule 1-104(a)(2)(B).

In this appeal, appellants Daniel Mox and Linda Mox challenge a judgment of the Circuit Court for Anne Arundel County, which denied their claim of ownership of real property by adverse possession and quieted title to the property in favor of appellees Lisa Bell and Melvin Bell, Jr. The Moxes assert error in the trial court's application of the law of adverse possession, after the court found permissive use and interruption in their possession of the property.

Finding no error, we shall affirm the judgment of the trial court.

## BACKGROUND

Melvin Bell, Sr. ("Melvin"),[1] owned multiple parcels of land in Anne Arundel County, including 871 Nabbs Creek Road, forty-six acres of undeveloped, mostly wooded land, known as Parcel 37.[2] In 2020, Melvin granted himself a life estate in Parcel 37, with his children, Lisa Bell and Melvin Bell, Jr. ("Mickey"), as the remainder beneficiaries. Melvin died in December 2020, at which time Lisa and Mickey acquired title to Parcel 37 in fee simple as tenants in common.

Beginning in 1999, Lisa's and Mickey's stepbrother, Daniel Mox, and Dan's wife, Linda Mox, leased from Melvin the property at 923 Nabbs Creek Road, an approximately one-acre improved parcel of land adjoining Parcel 37. Melvin sold that property to Dan

[1] Because several parties and witnesses to this appeal share a surname, we will refer to them by their given names, for clarity. We intend no disrespect in doing so.

[2] Melvin acquired Parcel 37 with his wife, Ruth Mox, in 1992. Ruth, the mother of appellant Daniel Mox, died in 2017.

and Linda in 2002, and they have lived there since then.[3] After purchasing the property from Melvin, the Moxes constructed a driveway, a fence, and several outbuildings, which were partially or wholly over the property line of Parcel 37. They also kept horses, goats, and chickens on Parcel 37.

In November 2019, following a dispute with Dan, Melvin posted "No trespassing" signs on Parcel 37 and sent a letter to the Moxes, ordering them to remove their structures and livestock from Parcel 37 and advising that they would no longer be permitted to hunt, fish, or conduct target practice on the property.[4] Although the Moxes claimed never to have received the letter, within days after Melvin undisputedly sent it, they moved their livestock off Parcel 37. They did not, however, remove any of the permanent structures they had erected thereon.

In early 2022, Mickey and Lisa initiated a survey of their property, intending to erect a fence bordering Parcel 37 and the Moxes' parcel. In response, the Moxes hired an attorney and claimed ownership of the entirety of Parcel 37 by adverse possession. They also installed their own "No trespassing" signs bearing the name "Mox."

[3] During the lease period, and even after the sale of the parcel to the Moxes, Melvin made exclusive use of a garage attached to the Moxes' house.

[4] The letter read:

> Take this as your one and only notice to remove any and all your personal property & live stock off of my property known as 871 & 925 Nabbs Creek Road Glen Burnie MD 21060. After all the money, stress, time and threats to call the county or health department. Harassing my family and tenants I do not want you to contact me or come on any of my property. You your friends and family are not permitted to hunt, fish or target practice on any of my property. After December 11, 2019 you will be considered trespassing.

Mickey and Lisa responded by sending the Moxes, through counsel, a letter denying their adverse possession claim and advising that they must remove their encroaching driveway, fence, and buildings from Parcel 37. Mickey and Lisa also filed a complaint to quiet title and for declaratory and injunctive relief relating to the parcel. The Moxes filed a counter-complaint with counts identical to the ones asserted by the Bells, alleging that they had "openly, continuously, exclusively, adversely, and notoriously" occupied the entirety of Parcel 37 for more than twenty years and maintained it by installing permanent structures and fencing, mowing the grass, creating a trail, and keeping livestock on the parcel.

The three-day trial of the matter began on June 26, 2023. Therein, Mickey Bell described Parcel 37 as a "wooded lot with some big ravines in it." As a pre-teen, he said, he began mowing the grass and helping his father clean fallen branches and trees off the property after storms, a task he continued to that day.[5] With Melvin's permission, Mickey also hunted deer on Parcel 37 several times per year, as did his son Michael Bell and his half-brother Michael Arrington.[6] In the late 1990s, Mickey had erected a tree stand on the parcel to use in his hunting.

[5] Lisa acknowledged that she saw Mickey taking down trees and stumps on Parcel 37 with a backhoe in May 2023. Mickey observed Dan taking video of him as he removed the trees.

[6] Michael Bell testified that he had been on Parcel 37 "countless times," with his grandfather Melvin's written permission. Michael said he maintains two tree stands and one trail camera on the property and is there three to four times per week during hunting season and every week or so outside hunting season. On one occasion, he saw Dan on the (continued…)

While Melvin and Ruth were still alive, Mickey observed Dan target shooting on Parcel 37. When Mickey told Dan he was likely to scare people in the area, as well as the deer Mickey was trying to hunt, Dan told him that his mother, Ruth, knew he was shooting out there. That same day, Mickey advised Melvin that Dan was shooting on the property, and Melvin responded that "it wasn't going to hurt anything."

Prior to his death, Mickey said that Melvin told him to be careful hunting on the property because the Moxes kept horses, and Linda rode on the wooded trails of Parcel 37. That is why, Mickey said, he always hunted "on the other side of the ravine," away from the Moxes' property.

In approximately 2018, Mickey posted "No trespassing" signs on parts of Parcel 37, after seeing people dumping trash and removing tree branches from the property. Mickey was aware that the Moxes had also put up their own "No trespassing" signs in 2022. Dan also wrote "Mox" on some of the Bells' signs, "just to try to start a little conflict."

According to Mickey, in approximately 2019, Melvin decided no longer to permit Dan and Linda to make use of Parcel 37, following a "feud" over money and repairs Dan was supposed to complete on a house.[7] Prior to that, Mickey said, Dan and Linda were "of

property and told Dan he was "messing the hunt up," after which Dan just walked away. Dan never said anything to Michael about owning the property.

Michael Arrington said he began hunting on Parcel 37 approximately every week or every other week in 2012, with Melvin's permission, and he walked through the property with his daughter. Neither Dan nor Linda had ever told him he could not be on the property.

[7] Dan later testified that issues with Melvin began in 2017, culminating in a lawsuit Melvin filed in 2018, alleging that Dan had misappropriated funds relating to a rental property on Nabbs Creek Road. They later resolved the case.

course" permitted by Melvin to make use of Parcel 37. At that time, it "was our property for us all to use." Shortly after Melvin sent the letter withdrawing permission to make use of Parcel 37, the Moxes moved their goats to their own back yard, and Dan stopped trimming the grass on Parcel 37.

Mickey said that, in 2022, he and Lisa decided to put up a fence "sort of around where the Moxes live" because Dan was having ongoing disagreements with the tenant of 925 Nabbs Creek Road, the property next to the Moxes' house.[8] When Mickey told Dan of the need for a surveyor to enter the property, Dan and Linda would not permit the man entry. Nevertheless, the surveyor was able to mark the boundaries of the property, but Dan removed the stakes.

It was then that the Moxes initiated the adverse possession proceedings.[9] Prior to that time, Mickey had "[a]bsolutely not" heard anything from the Moxes alleging ownership of Parcel 37 or suggesting that the Bells were not permitted to hunt, walk on, or perform maintenance on the property.

Lisa Bell testified that Melvin did not like Dan because he thought Dan did not work hard enough, and Dan did not like Melvin, which created some tension with Ruth. Lisa

[8] Melvin and Ruth purchased the improved property at 925 Nabbs Creek Road in 2008. That property, now owned by Mickey and Lisa, was, and apparently still is, used as a rental.

[9] Dan had also made a claim against Melvin's estate after being excluded from his will, which was still pending at the time of the trial in this matter. The lawsuit alleged that Dan had formed a partnership with Melvin in 2004 helping him buy, sell, and rehab rental properties. In return, it was Dan's understanding that when Melvin died, Dan would be the beneficiary of half his estate.

said she did not go into the woods on Parcel 37, but she was aware that other family members made use of the property. She had heard Dan shooting on the property but had never seen him there.

Jerry Tolodziecki, a licensed engineer, testified that Melvin and Ruth engaged his firm in 2003 to design a potential residential development on Parcel 37. A formal boundary determination, along with wetlands, forestry, and soil studies, were required due to the expansiveness of the site. An aerial topographic study was also conducted, which showed structures visible from the air. A 2011 survey revealed that the Moxes' driveway, along with a small shed, encroached on the development property. An easement was proposed for the driveway, but the shed, which was in what was planned to be a conservation easement, would have to be removed. Mr. Tolodziecki did not recall hearing that the Moxes claimed any ownership of the property or that they believed any member of the survey team was trespassing upon their property.

According to Mr. Tolodziecki, prior to the submission of the plan, the county invited all residents within 175 feet of the proposed development to a community meeting. The Moxes were notified of the meeting by letter in April 2008. They did not attend, but they did review the sketch plan for the proposed development. Despite spending tens of thousands of dollars on the feasibility study, because of community objection, Melvin and Ruth declined to move forward with the project in late 2011 or early 2012.

William Bower, accepted by the court as an expert licensed professional land surveyor, testified that in 2022 he conducted a boundary survey of the Moxes' property at 923 Nabbs Creek Road to determine any encroachments. The survey revealed that the

driveway on the Moxes' property encroached on the boundaries of Parcel 37, as did portions of a four-rail fence, several animal enclosure buildings, and three outbuildings, or sheds, in the woods. By use of a professional imaging Google system that provided historical data, it appeared to Mr. Bower that the driveway existed in its present location when the Moxes purchased their property in 2002 and had been there since at least 1994. The wooden fence and the outbuildings that could be viewed under the canopy of trees did not appear in Google images until approximately 2005 and 2007.

Linda Mox testified that she and Dan moved into the house at 923 Nabbs Creek Road in November 1999, renting until they purchased the home from Melvin in 2002. Shortly after they moved onto the property, Dan put up "No trespassing" signs on Nabbs Creek Road.

Linda and Dan started making use of Parcel 37 almost as soon as they moved in, first erecting a permanent ten by ten foot outbuilding to use for storage, as Melvin had filled their garage with his belongings. The Moxes had used the building continuously since 1999. They built a sixteen by sixteen foot permanent outbuilding in 2001, which they had used continuously since then. Initially, that building was used to store hay for Linda's horses, but at the time of trial, it contained Dan's construction equipment. They built a third storage facility in 2005. They did not ask anyone for permission to build the structures, and no one asked them to remove them from the property.

Additionally, in 2000, Linda and Dan created a garden on Parcel 37, which they fenced in in 2001, and which became a goat pen in 2008. At the time of trial, that area was

back to being a garden, but Linda said she and Dan had used the land continuously since 2000.

Finally, in 2006, the Moxes built a paddock for Linda's horses, which straddled the property line between their property and Parcel 37. After the horses died in 2015 or 2016, Linda began using the paddock for her goats because it was larger than their old enclosure and had more grazing space.[10]

In addition to erecting the structures, Linda said she had used Parcel 37 to graze and ride her horses every few weeks, walk the trail at least once a day, feed the wildlife, and make compost piles. She also mowed the grass and picked up trash. Dan widened and kept other trails clear when trees fell. Dan also built a shooting range in the early 2000s.

After building on Parcel 37, Linda said, she and Dan "used that property as if it was [their] own" and believed "in [their] mind[s] it was [theirs]." Linda said she was unaware that anyone else in the family made use of the property, but she and Dan had never tried to exclude any family member from making use of the property.

Linda was aware that there had been a community meeting when Melvin was contemplating developing Parcel 37, but she did not attend it because she did not believe

[10] Linda and Dan claimed never to have received Melvin's 2019 letter revoking any previous permission to make use of Parcel 37. Linda said she moved the goats approximately a month before the date of the letter.

The trial court did not find credible Linda's testimony that she did not receive the Bells' letter but nonetheless moved the goats in 2019 so they could have a larger and better home, noting that, had that been her impetus, she could have done it three years earlier, when the horses died. The court found it "just . . . a little too coincidental" that the movement of the goats happened right around the time she could have received the letter.

Melvin would ever undertake the project. She acknowledged that, in 2008, when the development was being considered, she understood that Melvin and Ruth were asserting that they were the owners of Parcel 37, but she did not object or tell anyone that she and Dan claimed ownership of the property.

In 2022, Linda continued, Mickey called to say he was going to put up a fence and that she must tie up her goats so the survey could be completed. Because the Moxes believed the fence would affect the use of their property at 923 Nabbs Creek Road, they retained counsel to stop Mickey from building it, culminating in their lawsuit claiming adverse possession of Parcel 37.

Dan Mox testified that when he and Linda moved to 923 Nabbs Creek Road, Parcel 37 in the immediate area of his house was heavily wooded and strewn with construction debris. He started cleaning it up immediately, even paying his stepbrother to help, and he continued to maintain the trails by use of a tractor, haul trash, and cut down fallen trees on Parcel 37.

Had Dan asked his mother and Melvin permission before building his structures and planting his garden on Parcel 37, he did not know if they would have given it. He never told any family member, or anyone affiliated with Anne Arundel County, that he claimed any ownership in Parcel 37, even as Melvin and Ruth spent $150,000 studying the feasibility of developing it.

Over the years, Dan said he had seen some people, including Michael Bell, looking for deer to hunt on the property. He told Michael where to go with the best hope of finding

deer. When he saw non-relatives hunting on the property, however, he told them to unload their weapons and leave.

Dan did "[n]ot necessarily" believe that any Bell family member required permission to enter onto Parcel 37, but he would not have denied them access in any event. In fact, his mother, Ruth, had visited the horses Linda kept on Parcel 37, and, when one of them died, Melvin helped him bury it on that land.

Treating Parcel 37 as if he owned it, Dan argued with Mickey about fencing in the property in 2022. During the argument, Mickey angrily told Dan that he had inherited millions of dollars and would outspend him in lawsuits.

Francine Armstrong, Dan's cousin, testified that in approximately 2001 she asked Dan if she could store some items in one his outbuildings, and he permitted her to make use of the building. Francine also walked the trails to see the goats and horses, with Dan's permission.

Bradley Tuthill, a friend of Dan's, testified that, in approximately 2014, Dan had invited him to go target shooting and had shown him his "large property." Concerned about shooting near people, he asked Dan if the property was large enough, and Dan told him that he owned over twenty acres of land. From that statement, Mr. Tuthill understood that the Moxes owned their house and the entire wooded area.

Brent Fischer, who has lived directly across the street from the Moxes the entire time they have lived on Nabbs Creek Road, testified that Dan cuts the grass, plows the snow, cleans the trash, and removes downed trees on Parcel 37. He had never seen Mickey or Lisa on the property.

**The Court's Findings and Ruling**

At the close of all the testimony, the court rendered from the bench a thorough recitation of its factual findings and credibility assessments. The court found, *inter alia*, that it was "clear" that Mickey, Michael Bell, and Michael Arrington used Parcel 37 with permission and that the usage of the property was meant to be for the entire extended Bell family and was not exclusive to the Moxes. The court found that the Moxes' testimony that their use of Parcel 37 was exclusive and that they did not know the others were using the property was not credible. The court found it credible that the Moxes maintained the portion of Parcel 37 that surrounded their house but added that that use was permissive. The trial court did not find it credible that the Moxes ignored the potential of the Bells' development of the property after receiving notice of it—particularly as the evidence showed that the Bells had spent $150,000 on a feasibility study, set up two community meetings on the project, conducted aerial and ground surveys, and created sketch plans of the proposed development—and wondered how the Moxes could not then have asked what would happen to their outbuildings and fencing if houses were built right next to their home.

To the trial court, it was "beyond any reasonable doubt" that any break in the Moxes' adverse possession occurred no later than 2008, when the Bells' plan to develop the property put the Moxes on notice that the Bells owned the property and that the Moxes were ousted. And, even accepting for the sake of argument that the Moxes' use of the property began when they initially leased it in late 1999, and not when they purchased it in

2002, the court found that Melvin's 2019 cease and desist letter was also sufficient to defeat the twenty-year period.

The trial court ruled that the Moxes had not, by a preponderance of the evidence, proved adverse possession and ownership of Parcel 37 because there was no exclusive, hostile, or continuous use of the property. The court therefore declared Mickey and Lisa to be the sole owners of Parcel 37 and quieted title in their favor. The court ruled that Dan and Linda had no claim of ownership to the parcel and could not enter or construct or maintain structures on the property and required them to remove any encroaching structures within sixty days. The court further ruled that if the Moxes failed to remove the encroachments, they would be trespassing. The court awarded the Bells nominal damages of $1.00 on their counterclaim.

Finally, the trial court entered a written order, incorporating by reference its oral memorandum, and separate recorded judgment on August 16, 2023. Dan and Linda filed a timely notice of appeal. Upon the Moxes' motion to stay enforcement of the judgment pending appeal, this Court ordered that the judgment be stayed during the pendency of the appeal without the requirement of a *supersedeas* bond.

## DISCUSSION

The Moxes claim that the trial court "misapplied the law of adverse possession, finding permissive use and an interruption of the possession, when the uncontradicted evidence presented no such events." We disagree.

**Standard of Review**

"On appeal of a non-jury action, we review the trial court's legal conclusions *de novo* and its evidentiary findings for clear error, giving 'due regard to the opportunity of the trial court to judge the character of the witnesses.'" *Qun Lin v. Cruz*, 247 Md. App. 606, 627 (2020) (quoting Md. Rule 8-131(c)). "Although the ultimate conclusion is a question of law on which we grant the circuit court no deference, the analysis includes several factual determinations on which we must defer to the circuit court's findings unless clearly erroneous." *Pinnacle Grp., LLC v. Kelly*, 235 Md. App. 436, 472 (2018). We "'must consider evidence that [wa]s produced at the trial in a light most favorable to the prevailing party, and, if substantial evidence was presented to support the trial court's determination, it is not clearly erroneous, and cannot be disturbed.'" *Pettiford v. Next Generation Tr. Serv.,* 467 Md. 624, 639 (2020) (quoting *Est. of Zimmerman v. Blatter*, 458 Md. 698, 717 (2018)).

**Analysis**

"'Adverse possession is a method whereby a person who was not the owner of property obtains a valid title to that property by the passage of time.'" *Yourik v. Mallonee*, 174 Md. App. 415, 422 (2007) (quoting Maryland Civil Pattern Jury Instruction 2:1); *accord Senez v. Collins*, 182 Md. App. 300, 322-23 (2008). "To establish adverse possession, a claimant must show that the possession was actual, open, notorious, exclusive and continuous or uninterrupted for the statutory period of twenty years."[11] *Goen v.*

[11] The "statutory period" is established by Md. Code, § 5-103(a) of the Courts and Judicial Proceedings Article, which requires that "[w]ithin 20 years from the date the cause (continued…)

*Sansbury*, 219 Md. 289, 295 (1959). "Every element of adverse possession must be shown and if it is not, the possession will not confer title." *Hungerford v. Hungerford*, 234 Md. 338, 340 (1964)

The trial court analyzes the elements based on the adverse claimant's "objective manifestation" of adverse use, rather than their subjective intent to claim the land. *Senez,* 182 Md. App. at 324 (cleaned up). The burden of proving title by adverse possession is on the claimant. *Id.*

In this matter, the trial court determined that the Moxes had failed to prove that their possession of Parcel 37 was exclusive, hostile, and continuous. Because a finding that any one of the elements of adverse possession was lacking would support the trial court's ruling that the Moxes had not obtained ownership of Parcel 37 by adverse possession, we limit our discussion to those three elements.

**I. Exclusive**

Exclusive possession means that the claimant possessed the land as their own. *Orfanos Contractors, Inc. v. Schaefer*, 85 Md. App. 123, 130 (1990). The exclusivity element requires the adverse claimant to behave as if the land is theirs and not another's. *Senez*, 182 Md. App. at 325. The adverse possessor '"must show an exclusive dominion over the land and an appropriation of it"' to their own use and benefit. *Blickenstaff v. Bromley*, 243 Md. 164, 173 (1966) (quoting 3 Am. Jur. 2d, *Adverse Possession*, § 50).

of action accrues," a landowner must either "[f]ile an action for recovery of possession of a corporeal freehold or leasehold estate in land[,]" or "[e]nter on the land."

But, the adverse claimant's permission of use by another does not defeat their ability to satisfy the element of exclusivity. *Bratton v. Hitchens*, 43 Md. App. 348, 358 (1979). Possessory acts consistent with ownership of the land are sufficient to satisfy the notice and exclusivity elements. *Peters v. Staubitz*, 64 Md. App. 639, 645-46 (1985).

The Moxes did not behave as if Parcel 37 was their own and not Melvin's and Ruth's, and then Mickey's and Lisa's. There was no dispute that the Moxes cleaned up the wooded land of Parcel 37, mowed the grass, maintained riding/walking trails and gardens, built several permanent buildings that they permitted others to use, created a shooting range that they invited friends to use, and housed goats, chickens, and horses on the property. Any dominion the Moxes possessed over the property, however, was not exclusive for their own use and benefit.

Notably, Dan and Linda acknowledged that other members of the extended Bell family continuously used the parcel for hunting purposes, with the permission of Melvin and Ruth, and that the Bell family members did not require their permission to enter the land. The Moxes agreed that the "No trespassing" signs they erected on Parcel 37 were not meant to apply to members of the family. They also acknowledged that Mickey took down trees on Parcel 37 by use of a backhoe and performed other maintenance on the property as recently as May 2023.

Moreover, the Moxes understood that when Melvin and Ruth spent upwards of $150,000 on a feasibility study of the property to create a residential subdivision, they were asserting that the property belonged to them. Dan and Linda did not, at that time, contest ownership of the parcel during a community meeting, stop the surveyors from entering the

property, nor inquire what might happen to their improvements if building were to occur on the parcel.

For all these reasons, the Moxes' use of the property was not in a manner inconsistent with another party having superior ownership rights in Parcel 37. The trial court's factual finding that the Moxes' use of Parcel 37 was not exclusive was not clearly erroneous.

**II. Hostile**

The adverse claimant must also show that the property was occupied "adversely" or in a hostile way, in the sense of it being unaccompanied by recognition of the real owner's right to the land. *Senez*, 182 Md. App. at 339. The claimant can prove this element either by claiming adverse possession under "color of title" or under "claim of right." Md. Code, § 14-108(a) of the Real Property Article.

The Moxes acknowledged that Melvin and Ruth, and then Mickey and Lisa following Melvin's death, were the title owners of Parcel 37 at all times relevant to this action, thereby recognizing them as having superior title to the parcel. Therefore, for them to claim adverse possession, it must have been under "claim of right."

The hostility required to make occupancy adverse "does not necessarily import enmity or ill will[.]" *Hungerford*, 234 Md. at 340. Rather, the term "hostile" with respect to adverse possession means "unaccompanied by any recognition . . . of the real owner's right to the land." *Id.* The type of recognition of rights that destroys hostility is not mere acknowledgement or awareness that another claim to the title exists, but acceptance that

another has a valid right to the property, and that the occupant possesses subordinately to that right. *Blickenstaff*, 243 Md. at 174.

Although there appears to be little dispute that the Moxes removed debris, maintained trails, erected a fence and a target shooting range, built several outbuildings, and posted "No trespassing signs," all without obtaining permission from the title owners, their use of Parcel 37 was never hostile to the Bells. Dan and Linda recognized and accepted Melvin's and Ruth's valid right to the land, in 2008, when they failed to object to any aspect of Melvin and Ruth's proposed development of Parcel 37, and again in 2019, when they removed their livestock from Parcel 37 after Melvin sent them the cease and desist letter.

The evidence presented at trial made clear that, until 2019, the Moxes' use of Parcel 37 was permissive, along with the use by the rest of the Bell family, as Melvin and Ruth had designated the property for the use of the entire family. *See Banks v. Pusey*, 393 Md. 688, 713 (2006) ("While familial relationships do not necessarily, in all situations, create an inference of permissive use, they are a factor to be considered . . . ."). Melvin and Ruth knew that Dan shot target practice on Parcel 37 and permitted him to do so, Ruth was aware that Linda kept and rode horses on the property because she visited the horses there, and Melvin helped bury one of the horses on Parcel 37 upon its death. In addition, Melvin's

2019 letter revoking the Moxes' permission to make use of the parcel, even if not received by the Moxes, indicated his belief that, until then, he had permitted them to use Parcel 37.[12]

**III. Continuous**

Sufficient acts of possession are established once the claimant establishes that those acts continued, uninterrupted for the statutory twenty-year period. *Hillsmere Shores Improvement Ass'n, Inc. v. Singleton*, 182 Md. App. 667, 691 (2008). Continuity is destroyed if any of the elements are interrupted before the twenty-year period has been completed. *See Blickenstaff*, 243 Md. at 174.

To disrupt the Moxes' use of the property in a claim of adverse possession,

> "**[t]he owner must assert his claim to the land or perform some act that would reinstate him in possession, before he can regain what he has lost**. The conduct claimed by an owner to work an interruption of adverse possession must be such as would put an ordinary prudent person on notice that he actually has been ousted."

[12] Moreover, we point out that, in general, "adverse possession without color of title extends only to the land actually occupied." *Costello v. Staubitz*, 300 Md. 60, 68 (1984). It appears undisputed that the Moxes made use of only a small portion of the forty-six-acre Parcel 37, thereby negating any claim of ownership by adverse possession of the entire parcel. *See, e.g.*, *Porter v. Schaffer*, 126 Md. App. 237, 276-77 (1999) (stating that evidence failed to establish adverse possession where claimant proved that use affected only some of the land he claimed by adverse possession); *Barchowsky v. Silver Farms, Inc.*, 105 Md. App. 228, 241 (1995) (finding claimant's occasional use of the land—by walking, horseback riding, picking up branches, and chasing off trespassers—did not constitute regular, exclusive, open, and notorious use); *Miklasz v. G.W. Stone, Inc.*, 60 Md. App. 438, 443 (1984) ("In order to ripen into title, the adverse possession must be continuous, notorious, actual, hostile and *embrace all of the disputed area.*" (emphasis added)); *Peters*, 64 Md. App. at 647-48 (holding that, although evidence constituted acts of ownership as to a part of the disputed land, there was insufficient evidence to establish acts of ownership as to the other part of the disputed land where it was allowed to grow wild).

*Senez*, 182 Md. App. at 335 (emphasis in *Senez*) (quoting *Rosencrantz v. Shields, Inc*., 28 Md. App. 379, 390 (1975)).

We find no error in the trial court's conclusion that the Moxes did not establish continuity over the statutory period. Assuming, for the sake of argument, that the twenty-year statutory period commenced when the Moxes initially leased 923 Nabbs Creek Road in 1999, they were on notice that their claim to Parcel 37 was subordinate to Melvin's and Ruth's no later than 2008, when the required community meeting relating to Melvin's and Ruth's intent to develop Parcel 37 took place following the surveyors' and engineers' entry upon the land, at Melvin's direction, to conduct feasibility studies. At that time, the Moxes did not object to: (1) Melvin's and Ruth's assertion of ownership of the parcel; (2) the proposed development that would abut their property at 923 Nabbs Creek Road; or (3) the engineer's conclusion that at least one of their buildings encroaching on Parcel 37 would have to be removed. *See Rosencrantz*, 28 Md. App. at 390 ("'The conduct claimed by an owner to work an interruption of adverse possession must be such as would put an ordinary prudent person on notice that he actually has been ousted.'" (quoting 3 Am. Jur. 2d, *Adverse Possession*, § 90)).

And, even if they had persuaded the trial court that the planned, but ultimately failed, development of Parcel 37 was not sufficient to break continuity of adverse possession, any actual, open, notorious, exclusive, and hostile possession of the property ended in 2019 when Melvin specifically ousted them from the parcel by letter. The letter, which advised the Moxes that any further use of the land would comprise trespassing, was a clear

indication that Melvin was the rightful owner, who would take legal action against the Moxes if they continued to trespass on his property.[13]

**Conclusion**

We are satisfied that the trial court did not clearly err when it found that the evidence adduced at trial was insufficient to support a finding that the Moxes' use of Parcel 37 disputed land was exclusive, hostile, and continuous. Thus, the trial court did not err in ruling: that Dan and Linda Mox had not acquired a claim of ownership of the parcel through adverse possession; that the Moxes were, therefore, trespassing thereon; or in quieting title in favor of Mickey Bell and Lisa Bell.

**JUDGMENT OF THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY AFFIRMED; COSTS TO BE PAID BY APPELLANTS.**

[13] Although the Moxes claim not to have received the letter, the trial court found that assertion incredible, and their explanation about the timing of the movement of the goats did not carry much weight with the court.