

Four B Properties, LLC, a Delaware limited liability company, and Ranch 10, LLC, a Wyoming limited liability company v. The Nature Conservancy, a District of Columbia non-profit corporation

Wyoming Supreme Court Decision: February 21, 2020

Appellee's Counsel: Davis & Cannon, LLP
Kim D. Cannon

Representing the Appellee, The Nature Conservancy (TNC), in an action brought challenging the interpretation of a Conservation Easement by the owners of two large tracts along the Snake River opposite the Teton Range, the firm successfully defended the Conservation Easement which limits the number and nature of residential and other structures on the property.

The Appellants argued that they had the right to build multiple ARUs ("Associated Residential Units"), including guesthouses and caretaker's quarters, under the terms of the Teton County LDRs ("Land Development Regulations"). Appellants further argued that the "plain meaning" of the Conservation Easement was altered by TNC's prior statements and decisions. The Court held that inconsistent actions and statements do not alter the meaning of the Conservation Easement. The claims for breach of contract damages and equitable estoppel against TNC were also dismissed.

This case, upholding the integrity of the Conservation Easement when challenged by landowners with extraordinary resources, is an example of the real estate and land use litigation that the firm has done throughout Wyoming, but particularly in Teton County. This case will stand as one of the most important decisions on Conservation Easements in the United States.