

Bond Case Briefs

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PROPERTY - RHODE ISLAND

Beauregard v. Gouin

Supreme Court of Rhode Island - May 28, 2013 - A.3d - 2013 WL 2318835

Property owner brought action against counsel who represented neighboring property owners in property dispute, alleging slander of title and intentional interference with prospective advantage.

The Supreme Court of Rhode Island held that:

- Notice of intent to dispute ownership of property did not constitute slander of title; and
- Notice did not constitute intentional interference with prospective advantage.

Slander of title action requires a plaintiff to prove: (1) that the alleged wrongdoer uttered or published a false statement about the plaintiff's ownership of real estate; (2) that the uttering or publishing was malicious; and (3) that the plaintiff suffered a pecuniary loss as a result.

Notice of intent to dispute any claim to ownership of property by property owner filed by neighboring property owners in town land records did not contain any false assertions, and therefore did not constitute slander of title, where notice unambiguously indicated that the neighboring property owners were preemptively seeking to protect their rights to the land which was of record owned by them, and in no way did the notice of intent slander or cast doubt upon property owner's title to his property.

To recover on a claim of intentional interference with prospective advantage, a plaintiff must show: (1) the existence of a business relationship or expectancy; (2) knowledge by the interferer of the relationship or expectancy; (3) an intentional and improper act of interference; (4) proof that the interference caused the harm sustained; and (5) damages to the plaintiff.

Notice of intent to dispute any claim to ownership of property by property owner filed by neighboring property owners in town land records did not constitute an improper act of interference, and therefore did not constitute intentional interference with prospective advantage, where notice unambiguously indicated that the neighboring property owners were preemptively seeking to protect their rights to the land which was of record owned by them.