

Bond Case Briefs

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Sturdivant v. Moore Bayou Water Ass'n Inc.

Court of Appeals of Mississippi - August 13, 2013 - So.3d - 2013 WL 4055136

Property owner brought action against water association, county, and the Department of Transportation (DOT), alleging claims for negligence and breach of contract against water association, and inverse condemnation against county and the DOT related to the destruction of a water line during a highway expansion project.

The Court of Appeals held that:

- Property owner lacked standing to bring breach of contract claim against water association;
- Summary judgment evidence was sufficient to demonstrate that association's contractual relationship with member ended long before water line that serviced member was damaged;
- Association's failure to replace damaged water line did not constitute negligence;
- The 120-day period for property owner to serve her inverse condemnation complaint on county began to run on the date she filed her complaint; and
- Circuit Court's determination that no good cause was shown for property owner's intentional delay in serving process on county did not constitute an abuse of discretion.