

# **Bond Case Briefs**

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## **NEGLIGENCE - ALABAMA**

### **Chavers v. City of Mobile**

**Supreme Court of Alabama - September 27, 2013 - So.3d - 2013 WL 5394333**

Property owner brought action against city seeking damages based on claims of negligent maintenance, continuing trespass, continuing nuisance, and inverse condemnation, all related to that part of the city's storm-water-drainage system that abutted her property.

The Supreme Court of Alabama held that:

- Genuine issue of material fact existed as to whether deteriorated condition of drainage ditch caused several large sinkholes on property owner's land, precluding summary judgment;
- Genuine issue of material fact existed as to whether property owner suffered damage from continuous migration of water and soil into the drainage ditch during six months preceding the filing of notice of claim, precluding summary judgment under municipal nonclaim statute; and
- Genuine issue of material fact existed as to whether problems with ditch had been brought to city's attention, precluding summary judgment.