

Land Use – Summary Judgment on Spite Fence Claim

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Scott M. Carroll

January 8, 2021

Shareholders Scott Carroll and John Tilley recently obtained summary judgment in Plymouth Superior Court on a spite fence claim. (G.L. c. 49, section 21) Part of the land dispute concerned the allegation that a landscaping berm was placed by the defendant to annoy and harass the plaintiff. Prior to filing summary judgment, defense counsel identified highly relevant case law and obtained significant admissions to support the defense that the spite fence statute did not apply to the landscaping berm. On summary judgment, the Court agreed and dismissed the plaintiff's spite fence claim.