

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC

Filed July 12, 2004

SUPERIOR COURT

KAREN E. BIERNACKI,

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CA NO. PC99-5482

v.

**ENRIQUE PINZON and
DEBORAH PINZON,**

DECISION

GIBNEY, J. This case is before the Court for decision following a non-jury trial on a complaint by Karen Biernacki (Plaintiff) against Enrique and Deborah Pinzon (Defendants). Plaintiff seeks a permanent injunction restraining the Defendants from entering her property and from interfering in any way with her possession, use and enjoyment of the property. Defendants counterclaim seeking to be adjudged the owners in fee simple of the real estate by virtue of adverse possession. Jurisdiction is pursuant to R.I. Super. R. Civ. P. 52(a).

FACTS AND TRAVEL

On December 15, 1986, the Defendants purchased an approximately 2.04 acre parcel of land located at 74 Tower Hill Road in the Town of Cumberland. On November 19, 1991, Plaintiff purchased approximately 22 acres of land in the Tower Hill Road area. The parties agree that a .57 acre portion of Plaintiff's land, referred to as sub-parcel B throughout trial, is contained in both Plaintiff's and Defendants' deed descriptions but is erroneously contained in the deed description of the Defendants. The property description error contained in the Defendants' deed can be traced back to an improper survey conducted on behalf of the former