

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

CRAIGE CONKLIN and	:
BRANDI CONKLIN,	:
Plaintiffs	: No. 06-02256
	:
vs.	: CIVIL ACTION – LAW
	:
	:
CARL K. & KATHLEEN MYERS,	: Plaintiffs’ Post Verdict Motions
Defendants	:

ORDER

AND NOW, this ____ day of November 2007, the Court summarily DENIES Plaintiffs’ Post Verdict Motions.

Plaintiffs contend the Court should revise its verdict to award Plaintiffs one year’s worth of interest on the purchase price as damages for their loss of use of the easement calculated at 8.5% interest on the \$25,000 purchase price. The Court cannot agree. In his testimony, Plaintiff Craige Conklin wasn’t sure whether the interest rate was 8% or 8.5%. Therefore, Plaintiffs did not meet their burden of proof on this issue. Furthermore, the Court does not believe this request for damage flows from Defendants alleged breach. Regardless of whether Defendants allowed Plaintiffs to use the easement, Plaintiffs would have had to pay the purchase price and interest.

Plaintiffs also contend the Court should revise its verdict to include an award of attorney fees. Again, Plaintiffs did not meet their burden of proof on this issue, as no evidence was presented at the non-jury trial regarding Plaintiffs’ attorney fees. Moreover, although the Court found in Plaintiffs’ favor, the Court finds that there was a legitimate dispute regarding the interpretation of the easement in question. Thus, the Court does not

believe Plaintiffs' established "malicious slander of title."

By The Court,

Kenneth D. Brown,
President Judge

cc: Marc Drier, Esquire
J. Michael Wiley, Esquire
Work file
Gary Weber, Esquire (Lycoming Reporter)