

## **Chariot Roads and the Quality of Life**

*Bart Elby, Esq.*

I had it pretty good for awhile, enjoying the quality of life in my small rural practice home office. I gave away most of my legal services. I served on local boards and in charitable organizations. I didn't make a dime. Nobody cared, and I didn't care that nobody cared, because I had quality of life.

Then things took a turn for the worse. I woke up one morning and got ready to let my dog out the back of my house, and I was shocked to see what I saw. There were three guys in my dooryard standing near a four-wheeler. One guy had a sledgehammer. One guy had a chain saw. And the other guy had a bullhorn.

That wasn't so shocking, 'cause lots of guys have bullhorns. But when the guy with the sledge started banging on my house with it, and the guy with the chainsaw was cutting down my side porch, I figured I needed to do something. So I set my dog loose on the guy with the bullhorn. Unfortunately, bullhorn guy came prepared. He stuck a spoon full of peanut butter in the dog's pie hole—he was obviously an experienced revenuer—so my dog spent the next hour lickin' his nose.

I guessed that I needed to shoot them or talk to them. So I went over to talk to them, 'cause I didn't figure that my malpractice insurance would cover me if I intentionally winged 'em.

Bullhorn guy told me not to come any closer.

I stepped back and asked him if he was gonna stick some of that peanut butter in my mouth.

He then told me that he and the boys were from the Town, and they were gonna “. . . reclaim for Caesar what was properly Caesar’s,” and that they were “. . . pretty damned sure that the Town had the right to an ancient chariot road . . . ” located right on my property.

At first I actually thought that the prospect was pretty sweet. I imagined the possibilities with all that road traffic . . . Vermont maple syrup and slip and fall consultations in the spring . . . divorce, corn, and used car parts in the summer . . . pumpkins and powers of attorney in fall. I had always thought that a law firm with a drive-thru window was the way of the future. I would be well off. I could winter in the South—somewhere like Bennington.

But even with all the upsides I was pretty convinced that they didn’t have the right to saw down my porch.

The other thing was that I hadn’t ever seen any chariots . . . or roads . . . or paths . . . or anything else on my property except where my dog wore down the grass near his run.

Bullhorn guy told me that that was because my house was blocking the road and it needed to be removed.

Well, the other two guys started pulling down my porch, my dog was worthless, and I couldn’t shoot them, so I decided to sell my house. I drove down to the realtor in town who said he wouldn’t list it ‘cause you can’t sell a house with an ancient chariot road on it.

I made a claim on my title insurance owner’s policy, but they denied coverage. They said it was because they don’t really cover anything that doesn’t exist. That made

some sense I guess, but I figured that I paid for something—still don't know what—and I felt they owed me. So, I called the Governor's office, and the lady told me that they would send the title insurance company a really, really, really stern letter . . . which was nice.

So finally I decided I'd sue the paralegal that represented me at my closing. Seemed like the right thing to do. She must have errors and omissions insurance. And even if she didn't, she must have some assets from the 8,000 closings a year she was doing at \$99.95 each.

She laughed at me and told me she was merely a processing conduit for a multi-jurisdictional, international, accounting-insurance-financial-legal-car wash-tow truck-fast food-real estate-blog sales conglomerate that didn't represent me at my closing but merely witnessed, with some amusement, while I signed closing paperwork so slanted against me that even if three guys on a 4-wheeler showed up in my dooryard and started pulling my house down in the name of Caesar, there wasn't a damned thing I could do about it. She did tell me, however, that if I were willing to witness other folks sign on the appropriate line she would cut me in for one-third of the fee. So I did.

I started the day reveling in the quality of life, and ended up agreeing to take closings at \$33.00 each, on property that realtors won't sell, that title insurance companies won't insure, in a segment of the legal market where the malpractice premiums have gone up three billion percent in the last forty-five seconds, and where it seems that the only way I will be able to get rid of my own property is to actually shoot somebody on it.

But like all good lawyers, I still have a backup plan. If those guys from the town haven't torn my house completely down, and even if I don't win in the trial court, in the long run I think I can still depend upon the Vermont Supreme Court to require those damned title companies to insure those ancient roads.

And at the very least, I still have quality of life.

**Bart Elby, Esq.**, is a solo practitioner in rural Vermont. He enjoys hunting and fishing, and his favorite color is plaid.