

A homeowner owns a house on a lake. A neighbor owns a house across a driveway from the homeowner's property. The neighbor's house sits on a hill and the neighbor can see the lake from his living room window. The homeowner and the neighbor got into an argument and the homeowner erected a large spotlight on his property that automatically comes on at dusk and goes off at sunrise. The only reason the homeowner installed the light was to annoy the neighbor. The glare from the light severely detracts from the neighbor's view of the lake.

In a suit by the neighbor against the homeowner, will the neighbor prevail?

- A. No, because the neighbor's view of the lake is not always obstructed.
- B. No, if the spotlight provides added security to the homeowner's property.
- C. Yes, because the homeowner installed the light solely to annoy the neighbor.
- D. Yes, if, and only if, the neighbor's property value is adversely affected.

## Explanation:

### Unreasonable interferences as a matter of law

<b>Malicious or indecent conduct</b>	Defendant's sole purpose is to harm plaintiff (eg, fence built to block view) <i>or</i> Defendant's conduct is indecent (eg, obscene gestures)
<b>Severe harm</b>	Plaintiff's harm is severe (eg, physical harm)
<b>Avoidable harm</b>	Defendant could avoid plaintiff's harm without undue hardship
<b>Conduct unsuited to location</b>	Defendant's conduct is <i>unsuited</i> to location (eg, tavern in residential area) <i>and</i> Plaintiff's use & enjoyment of property is <i>suited</i> to location

When a person **interferes** with the plaintiff's **use and enjoyment of his/her property**, the plaintiff can sue for **private nuisance**. To prevail in that suit, the plaintiff must prove that the interference was both:

**substantial** – offensive, annoying, or intolerable to a normal person in the community *and*  
**unreasonable** – the severity of the plaintiff's harm outweighs the utility of the defendant's conduct.

An interference is **unreasonable as a matter of law** if the defendant's **sole purpose was to harm** the plaintiff because a harmful interference has no legal utility (eg, no social value).

Here, the homeowner substantially interfered with the neighbor's use and enjoyment of his property by installing a spotlight that severely detracted from his view of the lake each night. And since the spotlight was *only* installed to annoy the neighbor, that interference was unreasonable as a matter of law (no utility). Therefore, the neighbor will likely prevail in a private nuisance claim.

**(Choice A)** While evidence that an interference is continuous may prove that the interference is substantial and unreasonable, such evidence is not always required. Therefore, though his view of the lake was not *always* obstructed, the neighbor can prevail since the spotlight was a substantial and unreasonable interference.

**(Choice B)** Although the spotlight may add security to the homeowner's property (utility), the homeowner installed it for the *sole purpose* of annoying the neighbor—not for added security. Therefore, the interference was unreasonable as a matter of law and the neighbor will prevail.

**(Choice D)** Private nuisance does not require proof that the plaintiff's property value decreased. Instead, the neighbor will prevail because the spotlight substantially interfered

with his use and enjoyment of his property and the homeowner installed it solely to annoy him.

**Educational objective:**

Private nuisance is a substantial and unreasonable interference with the plaintiff's use and enjoyment of his/her property. An interference is unreasonable if the severity of the plaintiff's harm outweighs the utility of the defendant's conduct—eg, when the defendant's sole purpose was to harm the plaintiff.

**References**

Restatement (Second) of Torts §§ 821D, 822 (Am. Law Inst. 1979) (liability for private nuisance).

Restatement (Second) of Torts § 826 (Am. Law Inst. 1979) (unreasonableness requirement).

Restatement (Second) of Torts § 829 (Am. Law Inst. 1979) (malicious or indecent conduct).

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