

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219
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Granted Appeal Summary

Case

CANOVA LAND AND INVESTMENT COMPANY v. CAROLYN G. LYNN, ET AL.
(Record Number 200476)

From

The Circuit Court of Prince William County; A. Horan, Judge.

Counsel

Michael G. Gallerizzo and Gregory L. Arbogast (Gebhardt & Smith LLP) for appellant.

Robert J. Zelnick (Vanderpool, Frostick & Nishanian, P.C.) for appellees.

Assignments of Error

The Circuit Court in its Letter Ruling of January 10, 2020 erred when it ruled that:

- A. a conveyance of property by a fee simple determinable deed, inherently and as a matter of law, cannot constitute an unreasonable restraint on alienation that is void and unenforceable as a violation [of] public policy, especially if the deed has a charitable purpose,
- B. a perpetual use restriction and reverter in an 1875 fee simple determinable deed that requires a property forever to be used only by one particular named church and in compliance with that church's specific religious customs and regulations is not void as an unreasonable restraint on alienation, and
- C. the charitable nature of the conveyance in the 1875 fee simple deed prevents the restraint and reverter in the deed from constituting an unreasonable restraint on alienation that was void and unenforceable as a violation of public policy.