

# SUPREME COURT OF VIRGINIA



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

### **Case**

MOUNT ALDIE, LLC v. LAND TRUST OF VIRGINIA, INC.  
(Record Number 191717)

### **From**

The Circuit Court of Loudoun County; T. Horne, Judge.

### **Counsel**

James P. Campbell and Matthew L. Clark (Campbell Flannery, P.C.) for appellant.

Alan B. Croft and Kathryn C. Swain (McCandlish & Lillard P.C.) for appellee.

### **Assignments of Error**

1. The trial court erred as a matter of law when it empaneled an advisory jury as a factfinder to determine the contested facts, as required by the remand instructions in *Mount Aldie, LLC v. Land Trust of Virginia, Inc.*, 293 Va. 190 (2017), and then disregarded the advisory jury verdict that Mount Aldie, LLC acted within its reserved rights under Article II, Section 3 of the Conservation Easement. This error includes awarding Land Trust of Virginia, Inc. an injunction and attorney fees and costs, when the Trial Court also expressly concluded the evidence supported the advisory jury verdict.
2. The trial court erred as a matter of law when it determined that Mount Aldie, LLC breached the Conservation Easement based on alleged “structural changes” to the Indian Spring and “brick paving” when those claims were (i) not pled in the Complaint of Land Trust of Virginia; (ii) not litigated in the Remand Trial; (iii) not presented as a specific issue for determination by the advisory jury; and (iv) the advisory jury rendered a factual determination that Mount Aldie acted pursuant to reserved rights under Article II, Section 3 of the Conservation Easement.