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DISTRICT III

November 4, 2025

To:

Hon. Katherine Sloma
Circuit Court Judge
Electronic Notice

Nicholas Ross Pecoraro
Electronic Notice

Ethan Schmidt
Clerk of Circuit Court
Shawano County Courthouse
Electronic Notice

Hans R. Thompson
Electronic Notice

You are hereby notified that the Court has entered the following opinion and order:

2023AP1629
2023AP2115

Jessica L. Gehm v. Nathanael Johnson (L. C. No. 2020CV132)

Before Stark, P.J., Hruz, and Gill, JJ.

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

In these consolidated appeals, Nathanael and Teresa Johnson appeal the circuit court's order granting summary judgment in favor of Jessica and Russell Gehm and Gehm's Club 117, LLC. They also appeal the circuit court's order denying their motion for reconsideration. The dispositive issue is whether the Johnsons have standing to challenge the Gehms' adverse possession claim. Based upon our review of the briefs and record, we conclude at conference

that this matter is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2023-24).¹
We affirm.

This dispute involves a narrow alley located between parcels owned by the Johnsons and the Gehms in the Village of Bonduel. The Gehms filed this action against the Johnsons seeking a declaratory judgment determining that they own the alley based on adverse possession. The Johnsons brought a third-party action against the Village, arguing that the Village owned the alley and was responsible for maintaining it. The circuit court dismissed the Village as a party, leaving the Johnsons as the only defendants. After hearing the parties’ arguments and considering the motion, the court granted summary judgment in favor of the Gehms, declaring them to have title to the land based on adverse possession. The Johnsons moved the circuit court for reconsideration, but the court denied the motion.

A moving party is entitled to summary judgment when there are no genuine issues of material fact and that party is entitled to judgment as a matter of law. WIS. STAT. § 802.08(2). We review the circuit court’s decision granting summary judgment de novo. *Green Spring Farms v. Kersten*, 136 Wis. 2d 304, 401 N.W.2d 816 (1987).

The Gehms argue that the Johnsons lack standing to challenge their claim to title of the land. We agree. The Wisconsin Statutes detail “how a party may declare his or her interest in real property.” *Auer Park Corp. v. Derynda*, 230 Wis. 2d 317, 321, 601 N.W.2d 841 (Ct. App. 1999). When an action to declare an interest in real property is brought by a plaintiff—here, the Gehms—against a defendant—here, the Johnsons—the statute provides “[t]he answer shall

¹ All references to the Wisconsin Statutes are to the 2023-24 version.

indicate the nature and derivation of [the] defendant’s interest. If the defendant, by answer, disclaims any interest in the described property or in [the] plaintiff’s claimed interest, no further answer is necessary.” *See* WIS. STAT. § 841.04.

Applying this statute in the past, we concluded that a neighbor who denied title to real property could not contest another party’s adverse possession claim. *See Auer Park Corp.*, 230 Wis. 2d at 321. We explained that “[i]n an adverse possession, the only parties who generally have standing are the property’s titleholder and the party claiming adverse possession.” *Id.* at 321-22.

The Johnsons do not claim a legal interest in the alley either as the titleholder or as the adverse possessor. In their answer to the complaint, the Johnsons admitted having intentions to mitigate water flow in the alley—which affected their adjacent property—but denied having declared an ownership interest in the alley. Moreover, in their third-party complaint against the Village, the Johnsons alleged that the Village owned the property, which necessarily implies that the Johnsons do not own it. Accordingly, under WIS. STAT. § 841.04 and *Auer Park*, the Johnsons do not have standing to challenge the Gehms adverse possession claim. Therefore, we conclude that the circuit court properly granted summary judgment in favor of the Gehms and denied the Johnsons motion for reconsideration.²

Because we have concluded that the Johnsons do not have standing to challenge the Gehms adverse possession claim, we do not address the other arguments they have raised. *See*

² It is well established that an appellate court may sustain a circuit court’s ruling for different reasons than the circuit court. *See Blum v. 1st Auto & Cas. Ins. Co.*, 2010 WI 78, ¶27 n.4, 326 Wis. 2d 729, 786 N.W.2d 78.

State ex rel. Oitzinger v. City of Marinette, 2025 WI App 19, ¶76, 415 Wis. 2d 635, 19 N.W.3d 663 (stating that we “decide cases on the narrowest possible grounds” (citation omitted)).

Upon the foregoing,

IT IS ORDERED that the orders of the circuit court are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Samuel A. Christensen
Clerk of Court of Appeals