

**CERTIFIED FOR PUBLICATION**

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

MICHAEL RAY LINTHICUM et al.,

Plaintiffs, Cross-defendants and  
Appellants,

v.

JOHN LOCKE BUTTERFIELD et al.,

Defendants, Cross-complainants and  
Respondents;

ROBERT BJORKLUND et al.,

Defendants, Cross-complainants and  
Respondents.

2d Civil No. B199645  
(Super. Ct. No. 1130799)  
(Santa Barbara County)

ORDER MODIFYING OPINION  
[CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on April 2, 2009, be modified as follows:

1. On page 1, the first full paragraph is deleted and the following two paragraphs are inserted in its place:

When does a trial court properly exercise its discretion to create an equitable easement? This case provides a good example.

Plaintiffs bought a parcel of land on which defendant owners of neighboring parcels used a roadway, the only access to their land. Plaintiffs sought an injunction to prevent defendants from using the roadway. Defendants cross-complained to quiet title to an easement for the roadway. The trial court quieted title to an equitable easement in favor of defendants. We remand for the trial court to

specify the width of the roadway easement, reverse an unrelated cause of action regarding a utility easement, and otherwise affirm.

2. On page 12, the last full paragraph is deleted and the following paragraph is inserted in its place:

The case is remanded for the trial court to specify the width of the roadway easement. The judgment in favor of the Bjorklunds on Linthicum's second cause of action is reversed. In all other respects, the judgment is affirmed. Costs are awarded to respondents.

This modification changes the judgment.