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LETTER TO MS. JOAN TATE RE THE REAL PROPERTY YOU SHARED AS A
COTENANT

23 Corinth Road
Sparta,
Columbia

TO: Ms. Joan Tate

From: Applicant

Date: July 29, 2025

RE: Advice on a Partition Action for Joan Tate

Dear Ms. Tate,

Under supervision of Mr. Roberta Rhodes, I represent The Rhodes Law Firm in response to your request for advice. This letter analyzes the pros and cons and likely outcome of (1) can you force a sale of the entire property, or will you be forced to divide the property into three parcels? and (2) Will Crystal Tate be able to recover the full amount of her contributions to the property?

1. CAN YOU FORCE A SALE OF THE ENTIRE PROPERTY OR ARE YOU FORCED TO DIVIDE THE PROPERTY INTO THREE PARCELS?

I. INTRODUCTION

You owned the real property as cotenant with your two cousins Frank Tate and Crystal Tate. The real property was inherited from your grandfather Mr. Tate 10 years ago.

You wanted to ask Frank and Crystal to sell you the entire property for commercial purposes, but Frank and Crystal refused. Crystal occupied the property and paid all the taxes and expenses of the property for the past 10 years.

A. COLUMBIA PARTITION CODE SECTION 1020 in Columbia, if cotenants cannot agree on how to divide their co-owned property, one cotenant has the right to file a partition to compel a division of the property

B. Mahone physical division of the property was not possible an after affording Mahone the option to buy out Donnelly's interest, ordered the sale of the property.

II. STRENGTHS AND WEAKNESSES

A. Strengths

i. Economic

As shown by real estate valuation by an outside our firm hired indicated: as a single parcel, the property has a current fair market value of approximately \$600,000, while as separate parcels, the total of the values of the three separate parcels would thus come to approximately \$450,000. *Kerry Owns Memorandum* .

ii. Legal

Columbia Supreme Court in *Mahone* ruled: physical division of the property was not possible an after affording Mahone the option to buy out Donnelly's interest, ordered the sale of the property.

In *Mahone*, the River Farm was co-owned by Brittany Mahone and Sean Donnelly Jr. as cotenants. Donnelly wanted to develop the property for commercial purpose. But Brittany objected. and the case was tried and ruled for sale instead of partition. It is similar to your case, you wanted to own the entire property for development. Your two cousins objected.

In conclusion, the economic and legal advantage to support you is that it is more valuable and favored by the court to hold the entire property rather than partitioned.

B. Weaknesses

You intend to own the entire property, but your cousins objected. And partition had statutory support: Mahone :In Columbia, if cotenants cannot agree on how to divide their co-owned property, one cotenant has the right to file a partition to compel a division of the property(Columbia Partition Code Section 1020). According to the statute, the trial court must order a physical division of the property, unless "physical division would result in economic harm to the parties or is otherwise impracticable" .

In conclusion, the statutory support can be twofold as indicated above: the latter provision served as a rebut of the support of the partition. The probability of forcing a sale of the entire property is greater than being forced to divide.

2. WILL Crystal BE ABLE TO RECOVER THE FULL AMOUNT OF her CONTRIBUTIONS TO THE PROPERTY?

Crystal can recover part of the amount she contributed as to the taxes and expenses paid. For part of the expenses for improvement has been bestowed upon her for the increased value of the property where she also benefit. But she can recover the portion you and Frank should pay.*Boyd p5*

Thus, Crystal cannot recover the full amount of her contribution.

Should you have any further question, please feel free to contact us.

Sincerely,

The Applicant

Question #6 Final Word Count = 661

END OF EXAM