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The Rhodes Law Firm

43 Whitehall Lane

Sparta, Columbia

To: Joan Tate

From: Applicant

Date: July 29, 2025

Re: Advice on a Partition Action

Dear Ms. Tate,

I hope you are doing well. I am writing to you regarding your inquires of whether you can force the sale of the entire property you own as co-tenants with your cousins or if you will be forced to divide the property into three parcels, and whether Crystal Tate will be able to recover the full amount of her contributions to the property. Based on my research I advise that a court overseeing your co-tenant situation with your cousins would likely grant a forced partition to sell the entire property and Crystal will be able to recover some of her contributions to the property, but not all. I will address in detail below.

Columbia Courts Will Likely Force A Sale Of The Entire Property

In the state of Columbia, if co-tenants cannot agree on how to divide their co-owned property, one co-tenant does have the right to file a partition action to compel a division of the property. The court typically must order a physical division, unless physical division would result in economic harm to the parties or is otherwise impracticable. *Mahone v. Donnelly*. Although the courts of Columbia do favor the division of property, this can be overcome in two different ways. First, by proof that any one parcel out of the divided property would have little to no economic value and secondly, by proof that the value of the land as a whole would be diminished by division into separate parcels. *Mahone*. Our firm looked into what your property's profits would be if it was divided and if it remained as a whole. We have found that your land's value as a whole would be diminished by division. For example, if your property was divided into three separate properties, it would be a grand total of approximately \$450,000. Each piece of property is valued as follows: the land with the house and the garage, \$200,000; the open land, \$130,000; and the wooded lot, \$120,000. Whereas, if your property was sold as a single piece of land it would be approximately \$600,000. Therefore, the value of your property as a whole is much larger than it would be if divided into three separate properties.

With that said, I want you to be aware that courts do consider sentiment and familial attachment in partition cases. The considerations to support an order for physical division, especially where

family members continue to use some or all of the land as a primary residence. *Boyd*. I understand the Crystal currently lives on the property and Frank has stated that he will move onto the property when Crystal does move to another city to prevent the sale. However, with that said, Columbia courts have held that although sentimental considerations do have great weight, considerations of economic value should be the determining factor.

Crystal Tate Will Recover \$40,000 For Her Contributions To The Property

Columbia courts have held that all co-tenants share equally in the obligation to maintain the property they own. *Boyd v. Boyd*. When a co-tenant who has paid more than their fair share of the costs maintaining the co-owned property, they can bring an action for contribution from the other co-tenants. In your case, Crystal Tate has asserted that she wants to be paid back for her full contributions to the property, totaling \$60,000. In breaking down the amount, Crystal has paid \$30,000 in property tax, \$10,000 in repairs and maintenance, and \$20,000 to build a garage.

Courts of the state have approved contributions for the following: the costs for routine maintenance, real estate taxes, and for storm and other catastrophic damage to the house. However, the courts have been firm that a co-tenant cannot recover for the costs of improvements. Similarly to your situation here, in the case of *Boyd*, a co-tenant attempted to recover for \$5,000 of a tool shed that was constructed on the property held by co-tenants. The court ultimately denied the recovery. It was determined the shed was an improvement to the property and not eligible for contribution from the other co-tenants. Based on this holding, a court overseeing the partition in your case would not award Crystal the \$20,000 for the garage that was built on the property, as it would also be seen as an improvement.

Conclusion

After reviewing your current situation, it is likely that the courts would order a sale of your entire property. Your property is worth more as a whole than it would be as three individual pieces of property and courts favor the economic value of the properties over any sentimental value. Additionally, Crystal will be able to seek contribution of the expenses she has paid on the property, but only for any routine maintenance and the real estate taxes. Once the court orders the sale and it has been made Crystal made be reimbursed with the proceeds before the rest it divided among each of you co-tenants.

I look forward to hearing from you soon.

Sincerely,

Applicant

Question #6 Final Word Count = 867

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