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TO: Ms. Joan Tate
FROM: Applicant
DATE: 29 July 2025
RE: Property Ownership

Ms. Joan Tate,

My name is Applicant and in this letter I will be going over two main issues. The first issue is whether the property can be physically divided or sold in its entirety and the second issue is whether Crystal Tate will be able to recover the full value of her contributions to the property. I will provide a short answer to these questions here and more detailed analysis supporting these conclusions below.

Short Answer
You *will likely be able to succeed* in a forced sale of the property located at 23 Corinth Road in its entirety and Crystal Tate *will likely be entitled to a partial contribution* for the total costs she paid during the ten year period.

1) You may be able to force a sale of the entire property you own as co-tenants together with your cousins, Frank Tate and Crystal Tate.

When co-tenants cannot agree on how to divide a co-owned property (by sale or physical division of the lot), the Columbia Partition Code requires trial courts to order a physical division of the property unless the division would cause economic hard to the parties. This provision creates a rebuttable presumption that you may you use to overcome a forced physical division of the property because prior case law has established a two factor test for the trial court to apply when determining whether a physical division will cause negative harm.

> Factor 1: As established in ***Timmons v. Warnes (Columbia Court of Appeals, 2002),*** "the presumption may be overcome by proof that any one parcel out of the divided property will have little to no economic value"

Here, the results of an investigation regarding the partition of your property indicated that if the lot is physically divided, one parcel will have the house and garage on it, the second will be open land abutting the house, and the third parcel would be a wooded lot abutted the Skyes Street. The values for each of these individual lots would be $200,000, $120,00 and $130,000 respectively. One person's parcel would be significantly lower than the value of the parcel with the house on it. Thus, this would be a large value and large disparity in property values.

In a similar case, the court in ***Mahone v. Donnelly*** ruled that the "physical division of a property was not possible and... ordered the sale of the property." In this case, the court ruled for a sale of the land owned by two co-tenants as opposed to a physical division of the land because if the parcel was divided into sub-divisions the value of the property would have been greatly decreased. In your case, a physical division of

the property as well would significantly decrease that value of one of the sub-divisions when compared to the other division. You may successfully argue that a sale would be more beneficial to the property because a division would greatly effect the value.

Therefore, your circumstances are likely to meet the first factor of the rebuttable presumption.

> Factor 2: As established in ***Quick v. Scartz (Columbia Court of Appeals (2008)***, "the presumption may be overcome by proof that the market value of the property as a whole would be significantly larger than the total value of all parcels after division

Here, the results of an investigation regarding the partition of your property indicated that the property has a current fair market value of approximately $600,000 as a single parcel, while if divided into three separate lots, the values a total value of approximately $450,000. Under this factor, the value of your property would be significantly reduced by a partition because there is a difference in value of approximately $150,000.

In ***Mahone v. Donnelly***, the court held that the total value of the property in that case was worth more as an individual lot. Because of this the court found that the plaintiff in that case successfully rebutted the presumption that a physical division was necessary.

In your case, a physical division would reduce the value of the lot in its entirety by approximately $150,000.

Therefore, you will likely meet both factors of the rebuttable presumption and you will be able to show that a sale is necessary and preferred over the physical division of land. However, courts may look to policy arguments such as the emotional connection and overall sentiment to a house as they did in ***Mahone v. Donnelly.*** However, this should not be of concern because the the same court beld that the policy argument was insufficient to urge physical partition because "while sentimental considerations should have great weight, especially in preservation of a home, considerations of economic value should be the determining factor."

Therefore, even if Crystal and Frank argue that there is sentimental attachment to the home in hopes of urging a physical division of the property, this argument will not succeed because courts weight the economic value more heavily. Thus, you will be entitled to a sale of the land because with all the factors considered, the case law and statutes support a ruling in your favor encouraging the sale of the land as opposed to the physical division.

2) Crystal Tate may be able to recover only a partial amount of contribution for the expenditures she made during the ten year period you, Crystal, and Frank shared the property as co-tenants

The Supreme Court in ***Pomeroy v. Kent*** held that at common law, a co-tenant who paid more than her share of the costs of maintaining a co-owned property may bring an action for contribution from the other co-tenants.

In a similar case, ***Boyd v. Boyd***, a co-tenant sought reimbursement for expenditures she made while living on a property for seven years and the court held that she was entitled to a partial contribution "for

the share of the total costs that the other co-tenants should have borne."

Here, in your case, Crystal paid an estimated $30,000 in property taxes and expenses while living on the parcel for ten years. This expense will likely be reimbursed because as co-tenants you and Frank have a duty to pay for these expenses. Several Columbia Courts have held that costs that fall within the categories of expenditures are eligible for contribution. ***Frome v. Snope***, ***Jarndyce v. Sutpen***, and ***Trillian v. Trillian*** held deduction for the costs of routine maintenance, termite removal, and real estate taxes respectively. In sum costs for routine maintenance are eligible for deduction and contribution by each co-tenant. In your case, Crystal Tate offered a $60,000 figure for reimbursement based on approximately $30,000 in property taxes, $10,000 in routine maintenance, and $20,000 in improvements to the garage.

However, the same court held that improvements are not eligible to be reimbursed and this Crystal's improvements to the garage will not be reimbursable. In total, Crystal will be entitled to approximately $20,000 equally from you and Frank for her expenses. However, the improvements may not be sought. therefore, it is likely you will have yo pay for some portion of the reimbursement likely in the amount of $20,000. She cannot seek money reimbursement for the garage repairs.

Therefore, Crystal will be only able to seek partial reimbursement.

Should you have any questions regarding the contents of this letter please do not hesitate to call me directly. I understand legal concepts can be confusing so please do not hesitate to reach out for clarity. Please feel free to reach out any time. We look forward to continuing to work with you on this matter.

Respectfully,

Applicant

Question #6 Final Word Count = 1287

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