

IN THE _____ COURT OF _____ (County), _____ (State)

(Name of Plaintiff) PLAINTIFF

V. CAUSE NO.

(Name of Defendant) DEFENDANT

Complaint for Partition of Real Property

1. Plaintiff, _____ (name of plaintiff), is now, and at all times mentioned in this Complaint was, a resident of _____ (name of county), _____ (name of state).

2. Defendant, _____ (name of defendant), is now, and at all times mentioned in this Complaint was, a resident of _____ (name of county), _____ (name of state).

3. Plaintiff and Defendants are owners as (specification of nature of tenancy or ownership) _____ of the following-described real property located _____ (address of property), _____ (name of city), _____ (name of county), _____ (name of state): (legal description of property)

4. (Description of interests in property sought to be partitioned of each party.) _____

5. (There are no liens or encumbrances appearing of record on the property, and Plaintiff has no knowledge of any parties who claim an interest in the property or who will be materially affected by the action other than Plaintiff and Defendant or Specify liens or encumbrances).

6. Plaintiff has obtained a title report from _____ (name of title insurance company) and the report is located at _____ (address of location of title report), _____ (name of city), _____ (name of county), _____ (name of state)

and may be used, inspected, and copied by the parties to this action during normal business hours. The report was obtained at a cost of \$_____ to Plaintiff.

7. The prosecution by Plaintiff of this partition action is for the common benefit of Plaintiff and Defendant, and Plaintiff has incurred, and will continue to incur, reasonable attorney's fees in the prosecution of this action.

WHEREFORE, Plaintiff requests:

1. That defendants, and each of them, be cited to appear and answer this Complaint;
2. That this Court order the partition of the above-described property according to the respective rights and interests of the parties to this action, or if more equitable, the sale of the property and a division of the proceeds between the parties according to their rights;
3. Reasonable attorney's fees incurred by Plaintiff in the prosecution of this action for the common benefit of the parties to this action;
4. Costs of suit as prescribed by law; and
5. Such other and further relief as the court may deem just and equitable.

Respectfully submitted,

(Name of Plaintiff)

By: _____
(Name of Plaintiff's Attorney)
State Bar No. _____

OF COUNSEL:

(Name of Plaintiff's Attorney)

Post Office Box _____

(City, State, Zip Code)

Telephone: _____

STATE OF _____
COUNTY OF _____

I _____ (***Print Name***), am the Plaintiff in the within action for a Partition of Real Property. I have read the foregoing Complaint and know the contents thereof. The contents are true to my own knowledge except as to matters therein stated to be alleged upon information and belief, and as to those matters I believe them to be true.

Subscribed and Sworn to before me on _____ (***date***).

Plaintiff's Signature

Notary Public