



**MASSACHUSETTS
TRIAL COURT**

**COMPLAINT FOR PARTITION
(G.L. c. 241, § 6)**

COURT USE ONLY

COURT DEPARTMENT

LAND COURT

COUNTY

DOCKET NUMBER

____ MISC ____

CASE NAME

1. Plaintiff(s) _____

represents that Plaintiff(s) owns an undivided share of the real property (land) described below as co-tenant(s) with Defendant(s) _____.

2. Relationship between Plaintiff(s) and Defendant(s), if any:

☐ Family (specify spouses, siblings, parent/child, etc.):

☐ Domestic or romantic partnership.

☐ Other: _____

☐ No relationship.

3. The land is described as follows (Note: Specifically describe the land. For example, set forth the description from the deed. A street address and/or an assessor's plan reference alone is not enough. Attach addendum if necessary.):



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4. The land is located at _____ (street address) in _____ (city/town), _____ County.

5. The land is currently assessed by the city or town at a value of \$ _____.
Plaintiff(s) estimates the value to be \$ _____.

6. Plaintiff(s) and Defendant(s) obtained common title to the land under:

- ☐ A deed from _____ (grantor(s))
dated _____ and recorded with the _____ Registry of
Deeds in book _____ at page _____.

and/or

- ☐ Certificate of title number _____ registered in book _____ at page
_____ in the _____ Registry District of the Land Court.
(Note: Attach a certified copy of the current certificate of title to this Complaint.)

or

- ☐ The Will **or** ☐ as heir(s) at law of _____

(deceased owner(s)) who
lived at the time of death in the city/town of _____, whose date of death
was _____ and, if applicable, whose Will or estate is probated in case number
_____ of the Probate and Family Court _____
Division.

7. Relationship between Plaintiff(s) and Defendant(s) and the common grantor(s) or
deceased owner(s), if any: _____

8. The land ☐ is all **or** ☐ is part of the real estate held under that common title.



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9. The land is (for example, single family home, multi-family home, seasonal home, commercial property, vacant land, etc.): _____

10. The land ☐ is **or** ☐ is not occupied **or** ☐ it is unknown whether the land is occupied. If occupied, the occupant(s) is/are: _____

11. The land ☐ is **or** ☐ is not leased **or** ☐ it is unknown whether the land is leased to an occupant. If leased, the tenant(s) is/are _____, the landlord is _____, and the lease term is (ex. month-to-month, year-to-year, multi-year): _____ and expires on _____.

12. The land ☐ is **or** ☐ is not insured **or** ☐ it is unknown whether the land is insured.

13. The land ☐ is **or** ☐ is not involved in another court case **or** ☐ it is unknown whether the land is involved in another court case.

14. The real estate taxes on the land ☐ have **or** ☐ have not been paid **or** ☐ it is unknown whether the real estate taxes on the land have been paid.

15. Plaintiff(s) would like (check all that are acceptable):

- ☐ to own the land (partition by full or partial set-off); **or**
- ☐ the land to be physically divided among the co-tenants (partition by division); **or**
- ☐ the land to be sold at private sale to another party for not less than \$_____ (partition by sale); **or**
- ☐ the land to be sold at public auction to another party for not less than \$_____ (partition by sale).



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16. Plaintiff(s) states **under the penalties of perjury** that, to the best of Plaintiff(s)'s knowledge and belief, the following are the names and addresses of **all** co-tenants and the proportion and nature of their respective interests. (Note: If known, state whether a co-tenant has an estate of inheritance (in fee), for life, or for years; whether the estate is in possession, remainder, or reversion; and whether the estate is vested or contingent. A statement that the co-tenant is a "tenant in common" will be taken to mean that the co-tenant has a vested estate in fee in possession.)

Name	Address	Proportional Interest (Percentage or Fraction)	Nature of Interest (Ex. tenant in common)
Total:		100%	



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17. The following are the names, addresses, and natures of interests of all persons who are or claim to have encumbrances on the land (ex. mortgage, lien, attachment), as well as the payment status (ex. current, behind, unknown), if applicable:

Name & Address	Nature of Interest (Ex. mortgage holder)	Approximate Amount Owed, if Applicable	Payment Status, if Applicable (Ex. current)

18. Accordingly, Plaintiff(s) asks that the Court partition the land by division or by sale, either public or private, of all or any part of the land that the Court finds cannot be advantageously divided; that the Court appoint a commissioner, if necessary, to partition the land by division or by sale; that the Court or any commissioner convey the land and pay over the net proceeds of any sale in a way that makes the partition just and equal; and that the Court grant any other relief it deems appropriate.

[Remainder intentionally left blank.]



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NAME (ATTORNEY OR PARTY(S))

B.B.O. NUMBER (IF APPLICABLE)

FIRM OR AGENCY NAME (IF APPLICABLE)

OFFICE OR HOME PHONE NUMBER

STREET ADDRESS

APT/UNIT #

CELL PHONE NUMBER

CITY/TOWN

STATE

ZIP CODE

E-MAIL ADDRESS

DATE

SIGNATURE

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