

WPJan2

COMMONWEALTH OF MASSACHUSETTS  
LAND COURT  
DEPARTMENT OF THE TRIAL COURT  
Miscellaneous Case No.

PETITION FOR PARTITION

**(Names of petitioner[s] and the address of each petitioner):**

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(referred to in this petition as “petitioner”, which term shall include each of those named above if there are more than one)

represents that:

Petitioner owns as co-tenant an undivided share of the following described land (referred to in this petition as the “land”) in \_\_\_\_\_ (name of city or town in which the land is located) which petitioner wishes to own separately:

**(description of the land, sufficiently specific for identification [a street address and /or an assessor’s plan reference, standing alone, is not enough])**

The street address of the land is \_\_\_\_\_

The common title to the land is derived under:

a deed of \_\_\_\_\_ **grantor(s)** dated \_\_\_\_\_ recorded with \_\_\_\_\_ Registry of Deeds in book \_\_\_\_\_ at page \_\_\_\_\_

and/or

certificate of title \_\_\_\_\_ registered in book \_\_\_\_\_ at page \_\_\_\_\_ in the \_\_\_\_\_ Registry District of this Court (**attach a certified copy of the current certificate of title**)

or

the will of \_\_\_\_\_

or

as heirs at law of \_\_\_\_\_

late of \_\_\_\_\_ (name of city or town), whose date of death was \_\_\_\_\_ and, if applicable, whose will or estate is probated in case # \_\_\_\_\_ of the Probate and Family Court of \_\_\_\_\_ County.

The land is **all part** (indicate which) of the real estate held under that common title.

The names and addresses of all the co-tenants (including each petitioner) and the proportion and nature of their respective shares are as follows:

NAME	ADDRESS	%	NATURE OF INTEREST*
Total		100%	

\*indicate the nature of the co-tenant’s interest, for instance, “tenant in common”. G. L. c. 241, § 6 requires a statement whether the co-tenant has “an estate of inheritance, for life or for years, whether in possession, remainder or reversion, and whether vested or contingent.” A statement above that the co-tenant is a “tenant in common” will be taken to mean that the co-tenant has a vested interest in fee (an “estate of inheritance”) in possession.

These persons are or claim to be mortgagees, lienors, attaching creditors or other persons having encumbrances on the land:

NAME	ADDRESS	NATURE OF INTEREST


If a private sale is desired, complete the following: petitioner desires that the land be sold at private sale for not less than \_\_\_\_\_ dollars.

Accordingly, petitioner prays that the land be partitioned according to law, and to that end that a commissioner be appointed to make the partition by division of the land or by sale, either public or private, and conveyance of all or any part of the land which the Court finds cannot be advantageously divided, the commissioner to distribute and pay over the net proceeds of any sale in such manner as to make the partition just and equal.

Each person identified above as “petitioner” certifies under the penalties of perjury that the statements set forth above are true to the best of his or her knowledge and belief.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ .

Signature: \_\_\_\_\_ Signature: \_\_\_\_\_  
 Print name: \_\_\_\_\_ Print name: \_\_\_\_\_

Signature: \_\_\_\_\_ Signature: \_\_\_\_\_  
 Print name: \_\_\_\_\_ Print name: \_\_\_\_\_

Signature: \_\_\_\_\_ Signature: \_\_\_\_\_  
 Print name: \_\_\_\_\_ Print name: \_\_\_\_\_

If persons interested assent, complete the following:  
 We, being persons interested, assent to this petition.

Signature: \_\_\_\_\_ Signature: \_\_\_\_\_  
 Print name: \_\_\_\_\_ Print name: \_\_\_\_\_

Signature: \_\_\_\_\_ Signature: \_\_\_\_\_  
 Print name: \_\_\_\_\_ Print name: \_\_\_\_\_

Signature: \_\_\_\_\_ Signature: \_\_\_\_\_  
 Print name: \_\_\_\_\_ Print name: \_\_\_\_\_