A partition is a division of an interest in real estate among the owners.

When doing a partition, it will be necessary to properly describe the real estate and to know who the owners are.

Then, the real estate can be divided through the use of a voluntary partition or by judicial partition. A voluntary partition could occur when the owners of the property reach an agreement to divide the property.

When the parties cannot or do not agree, it may be necessary to file suit to ask the Court to partition the property. When suit is filed, a party may request a jury trial. The trial could also be without a jury.

Any person who has an ownership interest in the property can ask that the real estate be partitioned.

If it is determined that the real estate cannot be fairly divided, the Courts can order that the property is sold. When this happens, what's left after taking the expenses from the sales price will be divided between the owners.

After the trial, and if the property is ordered to be partitioned, the Court will appoint Commissioners (3 or more) whose job is to partition the property.