



JAMES G. DIBBINI
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Attorneys At Law

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Understanding Partition Actions: What They Are and When They're Appropriate

If you own property with others, you may wonder what happens when the relationship with a co-owner breaks down, or when there's a disagreement over how to manage or sell the property. In these cases, a legal process called a "partition action" may be necessary to resolve disputes and ensure a fair outcome for all parties involved.

What is a Partition Action?

A partition action is a legal process that allows one or more co-owners of property to request the division or sale of the property when all parties cannot agree on its management or disposition. This process is commonly used in cases where:

- Co-owners have differing opinions about selling, renting, or occupying the property.
- Family members inherit property together but have conflicting interests.
- Business partners or investors wish to terminate their shared ownership.

When is it Appropriate to File a Partition Action?

A partition action is typically appropriate when all attempts at reaching a mutual agreement have failed. If co-owners are unable to come to terms on how to handle the property—whether it's the sale, development, or even who has the right to occupy it—filing a partition action can provide a structured and court-supervised solution.

Partition actions can involve two main outcomes:

1. Partition in Kind - The court may physically divide the property into separate portions for each co-owner, though this is usually only possible for larger, undeveloped land.
2. Partition by Sale - In most cases, especially when the property is developed, the court may order the property sold, with proceeds divided equitably among co-owners.

Where is a Partition Action Filed?

Partition actions are generally filed in the Supreme Court of the county where the property is located. The process can be complex and often requires skilled negotiation and legal strategy, particularly when dealing with property rights and equitable distribution.

How Our Firm Can Help

At James G. Dibbini & Associates, P.C., we have extensive experience in guiding clients through partition actions. We can assist you in evaluating whether a partition action is the best solution for your circumstances, and we

will represent your interests through every step of the process. From initial consultation to filing in court, our attorneys are committed to helping you reach a fair and practical resolution.

If you are considering a partition action or need advice on shared property disputes, please don't hesitate to contact us. We're here to provide you with the guidance and support you need.

If you have any questions or need assistance, please don't hesitate to contact us at (914) 240-8270 or jdibbini@dibbinilaw.com. We look forward to working with you to ensure the success of your investment property.

The attorneys at James G. Dibbini & Associates, P.C. collectively have over 50 years of experience providing legal services in the areas of:

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