



BUYNAK LAW FIRM

Avoiding the Uniform Partition of Heirs Property Act in California to Gain the Full Value of Jointly Held Real Property

To solve disputes among co-owners of real property who are relatives, California has enacted the Uniform Partition of Heirs Property Act. It broadly applies to real property in which a co-tenant acquires the property from a relative and there's no agreement in a record binding all of the co-tenants concerning partition of that property.

The law was meant to keep property "within the family" but it is broadly written so that a relative co-owner who does not request a partition of the real property has an option to buy all of the interest of the other co-tenants. In other words, this law creates a right of first refusal for non-partitioning relative parties. If you wanted to gain full value for your co-owner interest and avoid substantial court proceedings, it is advisable to have an agreement concerning partitioning and sale of the jointly owned real property before one of the co-tenants passes by will or trust that interest to another relative. This way the owners of the property can determine the future of their home or other real property. It is best to avoid putting your family (and other partners) through a costly, divisive and acrimonious dispute and/or court proceeding that will undo your family for generations.

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Helping Clients Thrive!

S. Timothy Buynak, Principal