

To: Woods Manor Condominium Owners
From: Michael P. Connelly, Willis & Connelly PC
Date: October 26, 2018
Re: Partition Suit

A number of Owners have inquired as to what a legal action for partition lawsuit in Colorado entails. This memorandum is a brief overview of the partition process.

A partition suit in Colorado is governed by Colorado Revised Statute §38-28-101, *et. al.*, and is a legal proceeding for the division and partition of real or personal property or an interest therein.

Typically, a partition suit is initiated when co-owners cannot agree on how property should be used, maintained, encumbered, sold, etc. The Court will first look to “split” the property between the co-owners. For example, if two owners owned a parcel of land together consisting of 40 identical acres, the Court could give each owner 20 acres of land. Since the property would no longer be jointly owned, the dispute between the owners would be settled. However, as a practical matter, it is not usually possible to split improved real property between co-owners. How does a Court “cut” a condominium unit in half? Therefore, the only real solution to this kind of dispute among the co-owners is for the Court to order the sale of the property and divide the sale proceeds.

Please note that the above is a very simplified overview of the partition suit process in Colorado. Partition suits are often complicated, may involve complex evidentiary issues, can require expert witness testimony and may require the appointment of real estate professionals to advise the Court on the sale. All of these factors will increase the legal fees and court costs incurred. The Home Owners Association, through its Board of Directors, remains committed to the Timeshare Conversion Plan to Whole Ownership, and that the overwhelming plan support of Timeshare Owners be honored. Timeshare Units 204B and 304B, two of the six Timeshare units at Woods Manor, have been successfully converted to whole ownership. Additionally, the Board is confident that seeking partition through the courts will bring the Conversion Plan to completion by Court Order.