

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.3408 Unpurchased interests; partition alternatives; dismissal of action.

Sec. 3408. (1) If all the interests of all cotenants that requested partition by sale are not purchased by other cotenants under section 3407, or, if after conclusion of the buyout under section 3407, a cotenant remains that has requested partition in kind, the court shall order partition in kind unless the court, after consideration of the factors listed in section 3409, finds that partition in kind will result in great prejudice to the cotenants as a group. In considering whether to order partition in kind, the court shall approve a request by 2 or more parties to have the requesting parties' individual interests aggregated.

(2) If the court does not order partition in kind under subsection (1), the court shall order partition by sale under section 3410 or, if no cotenant requested partition by sale, the court shall dismiss the action.

(3) If the court orders partition in kind under subsection (1), the court may require that 1 or more cotenants pay 1 or more other cotenants so that the payments, taken together with the value of the in-kind distributions to the cotenants, will make the partition in kind just and proportionate in value to the fractional interests held.

(4) If the court orders partition in kind, the court shall allocate to the cotenants who are unknown, cannot be located, or are the subject of a default judgment, if the cotenant's interests were not represented under section 3407, a part of the property representing the combined interests of these cotenants as determined by the court, and this part of the property must remain undivided.

History: Add. 2024, Act 215, Eff. Apr. 2, 2025.