

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

600.3409 Considerations for partition in kind.

Sec. 3409. (1) In determining whether partition in kind would result in great prejudice to the cotenants as a group under section 3408, the court must consider all of the following:

- (a) Whether it is practicable to divide the heirs property among the cotenants.
- (b) Whether partition in kind would apportion the property in a way that the aggregate fair market value of the parcels resulting from the division would be materially less than the value of the property if it were sold as a whole, taking into account the condition under which a court-ordered sale would likely occur.
- (c) Evidence of the collective duration of ownership or possession of the property by a cotenant and 1 or more predecessors in title or predecessors in possession to the cotenant who are or were relatives of the cotenant or each other.
- (d) A cotenant's sentimental attachment to the property, including any attachment arising because the property has ancestral or other unique or special value to the cotenant.
- (e) The lawful use being made of the property by a cotenant and the degree to which the cotenant would be harmed if the cotenant could not continue the same use of the property.
- (f) The degree to which the cotenants have contributed their pro rata share of the property taxes, insurance, and other expenses associated with maintaining ownership of the property or have contributed to the physical improvement, maintenance, or upkeep of the property.
- (g) Any other relevant factor.

(2) The court shall not consider any 1 factor in subsection (1) to be dispositive without weighing the totality of all relevant factors and circumstances.

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