

**Law Offices Of
EUGENE E. KINSEY**

CASE INFORMATION – PARTITION OF REAL PROPERTY

INSTRUCTIONS:

You may use this form to apply for representation by *Kinsey Law Offices* in a court action for partition of real property on a contingency fee basis

After you have filled out the questionnaire below, please email it to kinseye@ix.netcom.com. If we think we might be able to help you on a contingency basis, we will contact you and ask you to obtain a “LotBook Report” on your property. You can obtain one online from <http://lotbook.com>.

Don't order it before we have contacted you. We may not be able to take your case.

Depending on the information you provide in the questionnaire below and the contents of the LotBook Report, we may ask you to order copies of certain deeds and other documents in the chain of title on file with the County Recorder.

We will then make the final decision as to whether we will take your case.

Date:

1. CLIENT'S PERSONAL INFORMATION:

| | | | | | |
|-----------------------|-----------|--------|----------|------|--|
| Your Full Legal Name: | | | | | |
| Address: | Street 1: | | | | |
| | Street 2: | | | | |
| | Street 3: | | | | |
| City: | | State: | | Zip: | |
| Phones: | Home: | | Bus. #1: | | |
| | Cell: | | Bus.#2: | | |
| | Other: | | Bus. #3: | | |
| Email Addresses: | | | | | |
| | | | | | |
| | | | | | |
| Further Information: | | | | | |

2. THE SUBJECT PROPERTY:

| | | | | | |
|---------------------------------|-----------|--------|--|------|--|
| Address: | Street 1: | | | | |
| | Street 2: | | | | |
| | Street 3: | | | | |
| City: | | State: | | Zip: | |
| County: | | | | | |
| Assessor's Parcel Number (APN): | | | | | |
| Further Information: | | | | | |

3. FAIR MARKET VALUE:

| | |
|--|----|
| Current Fair Market Value Of The Property: | \$ |
| Basis For Your Estimate: | |

Note: If the basis for your estimate of the value of the property is an appraisal, please send us a PDF of the appraisal along with this form.

4. MORTGAGE LOANS OF RECORD: (List each mortgage loan against the property. Add additional sheets as necessary.)

| | | |
|------------------|--------------------------|----|
| First Mortgage:: | Lender Name: | |
| | Date of Loan: | \$ |
| | Original Amount: | \$ |
| | Current Balance: | \$ |
| | Monthly Payment: | \$ |
| | Total Past Due Payments: | \$ |

| | | |
|------------------|--------------------------|----|
| Second Mortgage: | Lender Name: | |
| | Date of Loan: | \$ |
| | Original Amount: | \$ |
| | Current Balance: | \$ |
| | Monthly Payment: | \$ |
| | Total Past Due Payments: | \$ |

| | | |
|-----------------|--------------------------|----|
| Third Mortgage: | Lender Name: | |
| | Date of Loan: | \$ |
| | Original Amount: | \$ |
| | Current Balance: | \$ |
| | Monthly Payment: | \$ |
| | Total Past Due Payments: | \$ |

5. ALL OTHER LIENS AND ENCUMBRANCES AGAINST THE PROPERTY: (Attach additional sheets as necessary)

Note: A “lien” represents a monetary claim levied against property to secure payment—the settlement of an obligation from the property owner such as Judgment and Tax liens. An “encumbrance” is a much broader term, referring to any sort of claim against a property. Any lien is an encumbrance, but not all encumbrances are liens. More about this at [Investopedia](http://Investopedia.com).

| | | | |
|-------------------------|--|---------|----|
| Lien or Encumbrance #1: | | Amount: | \$ |
| Lien or Encumbrance #2: | | Amount: | \$ |
| Lien or Encumbrance #3: | | Amount: | \$ |
| Lien or Encumbrance #4: | | Amount: | \$ |
| Lien or Encumbrance #5: | | Amount: | \$ |
| Lien or Encumbrance #6: | | Amount: | \$ |

6. LIST FULL LEGAL NAMES AND ADDRESSES OF ALL OWNERS OF RECORD WHO AGREE TO PARTITION: (Names, Addresses, Phone Numbers, and Email Addresses)

| | |
|----------------------|--|
| Owner #1: | |
| Owner #2: | |
| Owner #3: | |
| Owner #4: | |
| Owner #5: | |
| Owner #6: | |
| Further Information: | |

7. LIST FULL LEGAL NAMES AND ADDRESSES OF ALL OWNERS OF RECORD WHO DO NOT AGREE TO PARTITION: (Names, Addresses, Phone Numbers, and Email Addresses)

| | |
|----------------------|--|
| Owner #1: | |
| Owner #2: | |
| Owner #3: | |
| Owner #4: | |
| Owner #5: | |
| Owner #6: | |
| Further Information: | |

8. TYPES OF JOINT INTERESTS: *Note: The ownership of property by several persons is either: 1. Joint Tenancy; 2. Partnership; 3. Tenants In Common; 4. Community interest of husband and wife. (C.C. 682.)*

| | |
|-------------------------------|--|
| How Do The Owners Hold Title? | |
| Further Information: | |

9. OTHER INTERESTS IN THE PROPERTY: *Note: Persons having or claiming interests "in the estate as to which partition is sought" must be joined as defendants if the interest is of record or is actually known to the plaintiff. (C.C.P. 872.510.) "Interests" includes mortgages and judgment liens.*

| | |
|--|--|
| Are There Liens Or Other Interests In The Property Other Than The Ownership Interests Described Above? (Yes or No) | |
| If Yes, Describe Each Such Interest: | |
| | |
| | |
| Further Information: | |

10. PENDING LITIGATION

| | |
|---|----------------------------------|
| Has A Lawsuit For Partition Already Been Filed? (Yes or No) | |
| If Yes, State:: | Date Of Filing: |
| | Court Location (State & County): |
| | Case Number: |
| Plaintiff's Attorney Information: | Name: |
| | State Bar Number (SBN): |
| | Firm Name: |
| | Street #1: |
| | Street # 2: |
| | Street # 3: |
| | City: |
| | State: |
| | Zip: |
| | Phone: |
| Other Information: | |
| Further Information: | |

NOTE: Please transmit copies of all documents filed in the previous lawsuit to us. Please scan them to PDFs and email them to kinseye@ix.netcom.com.

11. NOTICE OF PENDING ACTION (LIS PENDENS):

| | | |
|--|--------------------------------------|--|
| Has A Notice Of Pending Action Been Filed? (Yes or No) | | |
| If Yes, State:: | Date Of Filing With Court: | |
| | Date of Filing With County Recorder: | |
| | Date Of Service On You: | |
| Further Information: | | |

NOTE: Please transmit a copy of the *Notice Of Pending Action* to us. Please scan and email it to kinseye@ix.netcom.com.

12. POSSESSION OF THE PROPERTY: *Note:* Each cotenant is equally entitled to share in the possession of the entire property, and neither can exclude the other from any part of it. One who is ousted by another may, after demand for entry and refusal, recover possession and damages, the damages ordinarily consisting of his share of the value of the use and occupation from the time of the ouster.

| | |
|---|--|
| Names Of All Persons In Possession Of The Property: | |
| Further Information: | |

13. CLAIMS TO REIMBURSEMENT FOR CONTRIBUTIONS: *Note:* One who pays taxes, interest or other charges against the property is entitled to contribution from the other.

| | | |
|--|-------|--------------------------|
| Does Any Owner Make A Claim For Contribution ? (Yes or No) | | |
| If Yes, State:: | Name: | Nature Of Claim: Amount: |
| | Name: | Nature Of Claim: Amount: |
| | Name: | Nature Of Claim: Amount: |
| Further Information: | | |

14. CLAIMS TO COMPENSATION: *Note:* In the absence of an agreement, a cotenant, like a partner, is ordinarily not entitled to compensation for services rendered in care and management of the property, e.g., leasing it, collecting rentals, supervising repairs, or making minor repairs. However, he may become entitled to compensation by implied contract where he makes repairs or improvements, or furnishes other services or materials, with the acquiescence of the other cotenants.

| | | |
|---|-------|--------------------------|
| Does Any Owner Make A Claim For Compensation ?(Yes or No) | | |
| If Yes, State:: | Name: | Nature Of Claim: Amount: |
| | Name: | Nature Of Claim: Amount: |
| | Name: | Nature Of Claim: Amount: |
| Further Information: | | |

15. ACCOUNTING FOR RENTS AND PROFITS: *Note:* Where the tenant in possession leases the property to a third person, other tenants may bring suit to require him to account for rents collected from such third person. However, if one tenant in common or joint tenant is in sole possession of the property, the other tenant cannot recover rent for his occupancy, or profits derived from the property by the occupant's own labor, nor can he have an accounting thereof.

| | | | | | |
|--|-------|--|------------------|--|---------|
| Does Any Owner Make A Claim For Accounting?(Yes or No) | | | | | |
| If Yes, State:: | Name: | | Nature Of Claim: | | Amount: |
| | Name: | | Nature Of Claim: | | Amount: |
| | Name: | | Nature Of Claim: | | Amount: |
| Further Information: | | | | | |

16. QUESTIONS, COMMENTS, FURTHER INFORMATION: Insert any questions, comments, and/or further information here.