

1 [YOUR NAME]  
[YOUR ADDRESS]  
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8 THE SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
9 COUNTY OF [ENTER COUNTY NAME HERE]—UNLIMITED JURISDICTION

10 [NAME], an individual,  
11 Plaintiffs

CASE NO:

12 vs.

**COMPLAINT FOR PARTITION**

13 [NAME], and DOES 1-20,  
14 Defendants.

**DEMAND FOR JURY TRIAL**

15  
16 Plaintiff [SPECIFY] alleges:

17 **SUMMARY**

18 **1.** This suit seeks a judicial declaration and partition by sale of real property in  
19 [SPECIFY] California, and off-set for amounts contributed.

20 **REAL PROPERTY TO BE PARTITIONED**

21 **2.** The real property to be partitioned is a single-family home located at [ADDRESS,  
22 CITY], California [ZIP CODE, bears [SPECIFY] County Assessor Parcel Number [SPECIFY],  
23 contains a [SPECIFY] County Zoning Designation of [SPECIFY], which is limited for use to a  
24 [SPECIFY], and which are more particularly described in the legal description attached as  
25 **Exhibit “A,”** which is incorporated by reference here (the “Property”).

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1 **THE PARTIES**

2 **3.** Plaintiff [SPECIFY] is a resident of [SPECIFY] County, California, and a title owner  
3 of a [SPECIFY] interest in the Property (“Plaintiff”).

4 **4.** Defendant [SPECIFY] is a resident of [SPECIFY] County, California, and a title  
5 owner of a [SPECIFY] interest in the Property (“Defendant”).

6 **5.** The Plaintiff is unaware of the true names, capacities, or ownership interests, whether  
7 associate, corporate, individual, or otherwise, of Defendants DOE 1 through DOE 10, inclusive,  
8 and therefore sues these Defendants by these fictitious names, and will amend this Complaint to  
9 show their true names and capacities when ascertained.

10 **6.** This Complaint may collectively refer to [SPECIFY], and DOES 1-10, inclusive, as  
11 the “Defendants.” This Complaint may collectively refer to the Plaintiff and the Defendants as the  
12 “Parties.”

13 **7.** The Complaint’s allegations stated on information and belief are likely to have  
14 evidentiary support after a reasonable opportunity for further investigation or discovery.

15 **VENUE**

16 **8.** Venue is proper in this action under Code of Civil Procedure section 872.110,  
17 subdivision (b)(1).

18 **GENERAL ALLEGATIONS**

19 **9.** [SPECIFY FACTS JUSTIFYING RELIEF]

20 **10.** [SPECIFY FACTS JUSTIFYING RELIEF]

21 **11.** [SPECIFY FACTS JUSTIFYING RELIEF]

22 **12.** [SPECIFY FACTS JUSTIFYING RELIEF]

23 **13.** [SPECIFY FACTS JUSTIFYING RELIEF]

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1 **FIRST CAUSE OF ACTION**

2 (Partition by Private Sale against the Defendants)

3 **14.** The Plaintiff incorporates by reference, as though fully set forth here, the allegations  
4 in paragraphs 1 through 13, inclusive, of this Complaint.

5 **15.** The Property is a [SPECIFY] making a partition by sale the more equitable remedy.  
6 A physical partition is infeasible.

7 **16.** The Property is not subject to partition in-kind because, among other things, the  
8 Subdivision Map Act, local ordinances, zoning ordinance, and/or the general plan for the area  
9 make it unreasonably difficult and/or impossible to physically partition the Property into separate  
10 parcels equal to the Parties' respective interests.

11 **17.** A physical partition of the Property will cause the dramatic reduction in the  
12 Property's value, thereby prejudicing the Parties.

13 **18.** A physical partition of the Property would substantially diminish the value of each  
14 Party's interest, which would be materially less than the share of the proceeds that the Parties would  
15 receive through the sale of the Property as a whole, thereby resulting in a loss to the Parties.

16 **19.** The Plaintiff requests that the Court partition the Property and all interests by private  
17 sale as this manner of partition appears to be appropriate under the circumstances.

18 **20.** The Plaintiff brings this partition action for the Parties' common benefit to preserve  
19 and secure to each of them their respective interests and rights in the Property.

20 **21.** The Plaintiff incurred and will incur costs of partition here, including attorneys' fees,  
21 for the common benefit of the Parties here in an amount not yet ascertainable.

22 **22.** THUS, the Plaintiff prays for relief as set forth below.

23 **PRAYER**

24 **A.** For a judgment that Plaintiff owns 50% of the Property, and that Defendant owns  
25 50% of the Property, and that no other persons have any interest in the real property;

26 **B.** For a judgment partitioning the Property by sale, and that any encumbrance be paid  
27 from the proceeds of the sale, together with costs and expenses of this action and the sale, and the  
28 net proceeds then be divided between Plaintiff and Defendants in accordance with their respective

1 interests;

2 **C.** For the appointment of a partition referee under Code of Civil Procedure section  
3 873.010 to prepare the Property for marketing, and to market and sell the Property with the  
4 approval of the Court;

5 **D.** For a final accounting between the Parties for expenditures for repairs,  
6 improvements, payments on encumbrances, and other expenditures for the benefit of the entire  
7 property.

8 **E.** For a final accounting between the Parties for allowance, contribution,  
9 improvements, rents, profits, payments, repairs, and other expenditures for the benefit of the entire  
10 property;

11 **F.** For an order of disbursement according to the Accounting, including the right to a  
12 judgment in accordance with the Accounting, which judgment may be secured by a lien on, and  
13 paid out of, the Defendants' portion of the proceeds from sale;

14 **G.** For a judgment imposing the costs that the Plaintiff's expended for the Property on  
15 the Defendants' interest, which judgment shall be secured by and paid out of the Defendants'  
16 portion of the net proceeds from the sale;

17 **H.** For attorneys' fees, costs, and experts' and referees' expenses under Code of Civil  
18 Procedure sections 874.010 to 874.050, which judgment shall be secured by a lien on, and paid out  
19 of, the Defendants' portion of the net proceeds from the sale.

20 **I.** For attorneys' fees, costs, and experts' expenses under Code of Civil Procedure  
21 sections 874.010 to 874.050, which judgment shall be secured by a lien on the Defendants'  
22 respective interests in the Property or proceeds of the sale of the Property.

23 **J.** For statutory pre-judgment interest at the maximum rate;

24 **K.** For all such other and further relief as the Court deems just and proper.

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26 **REQUEST FOR JURY TRIAL**

27 The Plaintiff demands a trial-by-jury of all issues so triable.

1 DATED: March 22, 2022

**Respectfully submitted,**

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4 By: \_\_\_\_\_  
5 [SPECIFY]  
6 Plaintiff  
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