

State	Statutory Citation	Modification of Act Re: Liens
Alabama	35-6A-12	<p>New section. “Effect on mortgage, lien, or obligation. A partition, sale or other disposition of property pursuant to this chapter shall not affect or displace a mortgage or other lien on the property, and shall not affect or displace the obligations of any person who is a party to the mortgage or other lien or who is obligated on any note or other agreement secured by the mortgage or other lien.”</p>
D.C.	<p>DC ST §§ 16-2931 to 16-2941</p>	<p>Co-tenants in tenancy in common may initiate legal action and may name anyone who claims a lien in the real property as a defendant</p> <p>§16–2933. Commencement; service; notice by posting.</p> <p>a)</p> <ol style="list-style-type: none"> 1) A cotenant in a tenancy in common may initiate an action under this subchapter by filing a complaint and shall name all cotenants as defendants. 2) In addition to any persons required to be named as defendants pursuant to paragraph (1) of this subsection, the plaintiff may name as defendants all persons unknown, claiming any legal or equitable right, title, estate, lien, or interest in the real property described in the complaint adverse to the plaintiff's title, or any cloud on the plaintiff's title to the real property.
Iowa	<p>I.C.A. §§ 651.1 to 651.32</p>	<p>651.4 Petition for partition of property. A petition for partition of property shall describe the property and the plaintiff's interest in the property. The petition shall name all indispensable parties pursuant to section 651.5 and state the nature and extent of each interest or lien as far as each interest or lien is known by the plaintiff.</p> <p>651.5 Parties to petition for partition of property.</p> <ol style="list-style-type: none"> 1) A petition for partition of property shall include as parties all persons indispensable to the partition including an owner of an undivided interest and a holder of a lien on all or part of the property. 2) A petition for partition of property may include as parties a person having an actual, apparent, claimed, or contingent interest in the property. 3) The court shall have jurisdiction over an unborn person's contingent or prospective vested interest as a cotenant of real property in a partition proceeding. The court shall appoint a guardian ad litem for such unborn person pursuant to the rules of civil procedure. The partition in kind or partition by sale of the real property pursuant to a court decree shall have the same force and effect as to all such unborn persons, or persons claiming by, through, or under the unborn person, as though the unborn person were in being when the decree was entered and the real property or proceeds of the unborn person's interest shall be subject to the order of the court until the right fully vests.

651.7 Joinder and counterclaim.

A party may perfect or quiet title to property that is subject to a partition petition or request adjudication of a right of a party as to any matter originating from or connected to the property, including a lien between any parties. Except as permitted by this section, a joinder of any other claim to a partition petition shall not be permitted. A counterclaim to a partition petition shall not be permitted.

651.12 Initial court decree and appointment of referee.

The court shall file an initial decree establishing the shares and interests of all owners in a property subject to a partition petition. One referee shall be appointed in the decree unless all owners of the property agree upon a larger number of referees. The decree shall order an appraisal or estimation of the valuation of the property and may direct either a public or private sale of the property. Unless all owners of the property agree to an alternative method for conducting the appraisal or of estimating the valuation of the property, the decree shall appoint three disinterested persons with knowledge of property valuation to appraise the property. The decree shall direct the referee to file a report with the court setting forth the referee's recommendations for completing the partition of the property. All other contested issues related to the partition petition, including liens, may be determined by the initial decree or by a supplemental decree or decrees.

651.14 Adjudication of liens on property subject to partition.

The court shall decide the nature, extent, priority, or validity of a party's lien not previously determined and any other issues as the court directs. The referee appointed by the court shall provide notice of the court hearing to decide such matters to the interested parties. Adjudication of liens shall precede a partition in kind. A partition by sale and the distribution of proceeds from such sale to any party not affected by a lien may proceed prior to adjudication of liens on the property.

651.16 Procedure for partition in kind.

5) ... After the hearing the court may approve, modify, or disapprove the referee's report, or order the property partitioned by sale. If the court approves partition in kind subject to owelty payments as recommended by the referee, the court shall order that the partition in kind shall not be completed until all owelty payments have been made. If all owelty payments are not made as ordered, the court shall make further orders as appropriate. On approving a partition in kind after all owelty payments have been made, the court shall file a decree that includes all of the following:

- a) Describes the property partitioned in kind in its entirety.
- b) Describes each partitioned parcel or article of personal property allotted to each property owner.
- c) Enters judgment against each property owner for each property owner's apportioned costs. Such costs shall be a lien on each owner's respective allotted parcel or article and for which special execution may issue on demand of any interested person.

		<p>651.21 Proceeds of property partitioned by sale.</p> <ol style="list-style-type: none"> 1) After a property has been partitioned by sale, a party, including a holder of a lien from which the property has been freed by the sale, shall have the same rights or interests in the proceeds as the party had in the property sold, subject to a prior charge for costs. 2) The court shall appoint a trustee, or order other suitable provisions, for the proceeds of a share held for life or years in the remainder. The ascertained share of any absent owner shall be retained, or the proceeds invested for the owner's benefit, under an order of the court.
Maryland	<p><u>MD Code, Real Property, §§ 14-701 to 14-713</u></p>	<p>Co-tenants in tenancy in common may initiate legal action and may name anyone who claims a lien in the real property as a defendant</p> <p><u>§14-704.</u> In addition to any persons required to be named as defendants in an action under this subtitle, the plaintiff may name as defendants all persons unknown, claiming any legal or equitable right, title, estate, lien, or interest in the property described in the complaint adverse to the plaintiff's title, or any cloud on the plaintiff's title to the property.</p>
Virginia	<p><u>VA Code Ann. §§ 8.01-81 to 8.01-83.3</u></p>	<p>Lien creditor may compel partition to settle debts for lien</p> <p><u>§8.01-81.</u> Who may compel partition of land; jurisdiction; validation of certain partitions of mineral rights; when shares of two or more laid off together.</p> <p>A) Tenants in common, joint tenants, executors with the power to sell, and coparceners of real property, including mineral rights east and south of the Clinch River, shall be compellable to make partition and may compel partition, but in the case of an executor only if the power of sale is properly exercisable at that time under the circumstances; and a lien creditor or any owner of undivided estate in real estate may also compel partition for the purpose of subjecting the estate of his debtor or the rents and profits thereof to the satisfaction of his lien. Any court having general equity jurisdiction has jurisdiction in cases of partition, and in the exercise of such jurisdiction, shall order partition in kind if the real property in question is susceptible to a practicable division and may take cognizance of all questions of law affecting the legal title that may arise in any proceedings, <u>between such tenants in common, joint tenants, executors with the power to sell, coparceners, and lien creditors.</u> (continued)</p>