



# CLEMENTA C. PINCKNEY UNIFORM PARTITION OF HEIRS' PROPERTY ACT

S.C. Code of Laws 15-61-310, et seq

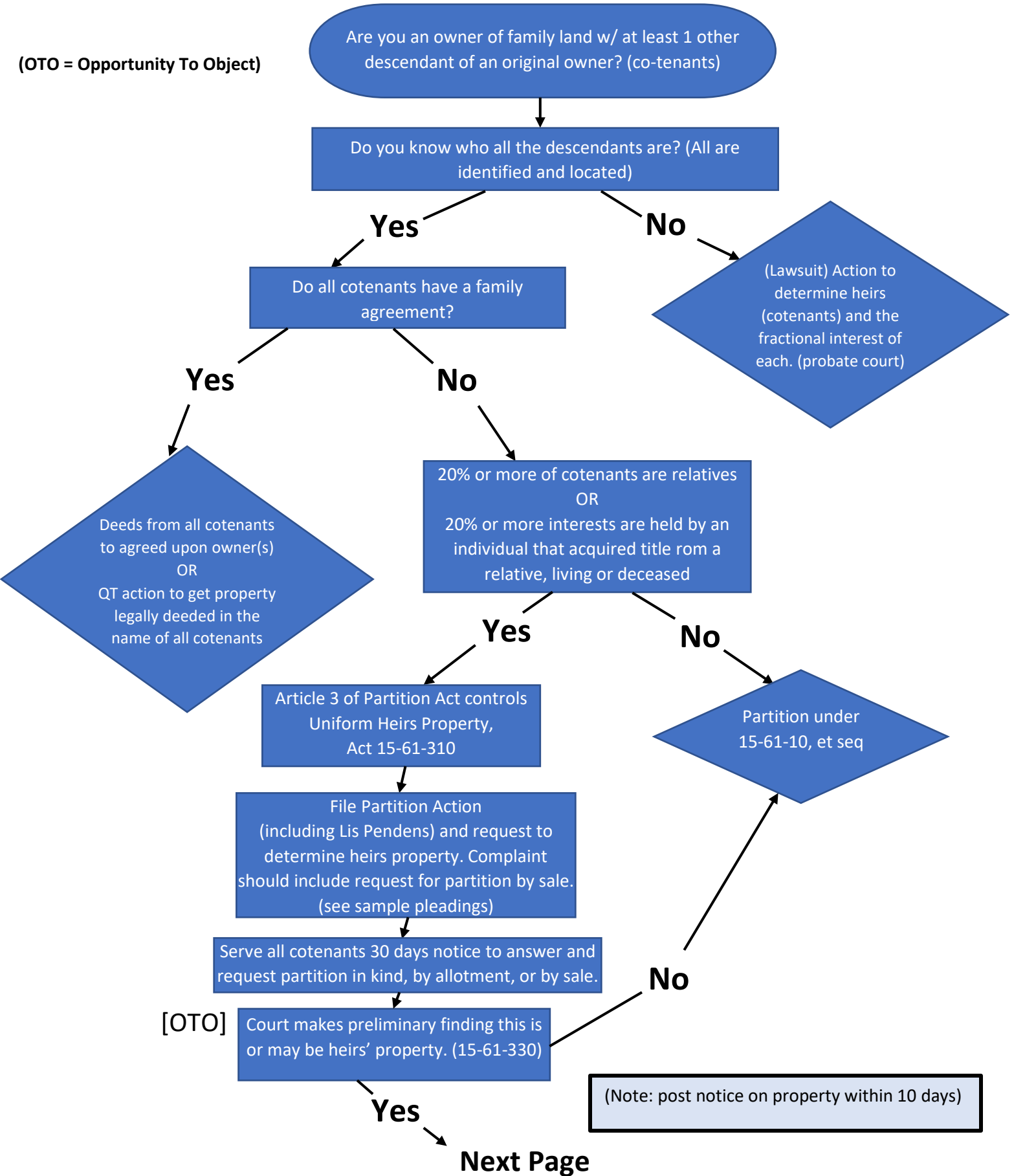
A Flow Chart For Use In Litigation

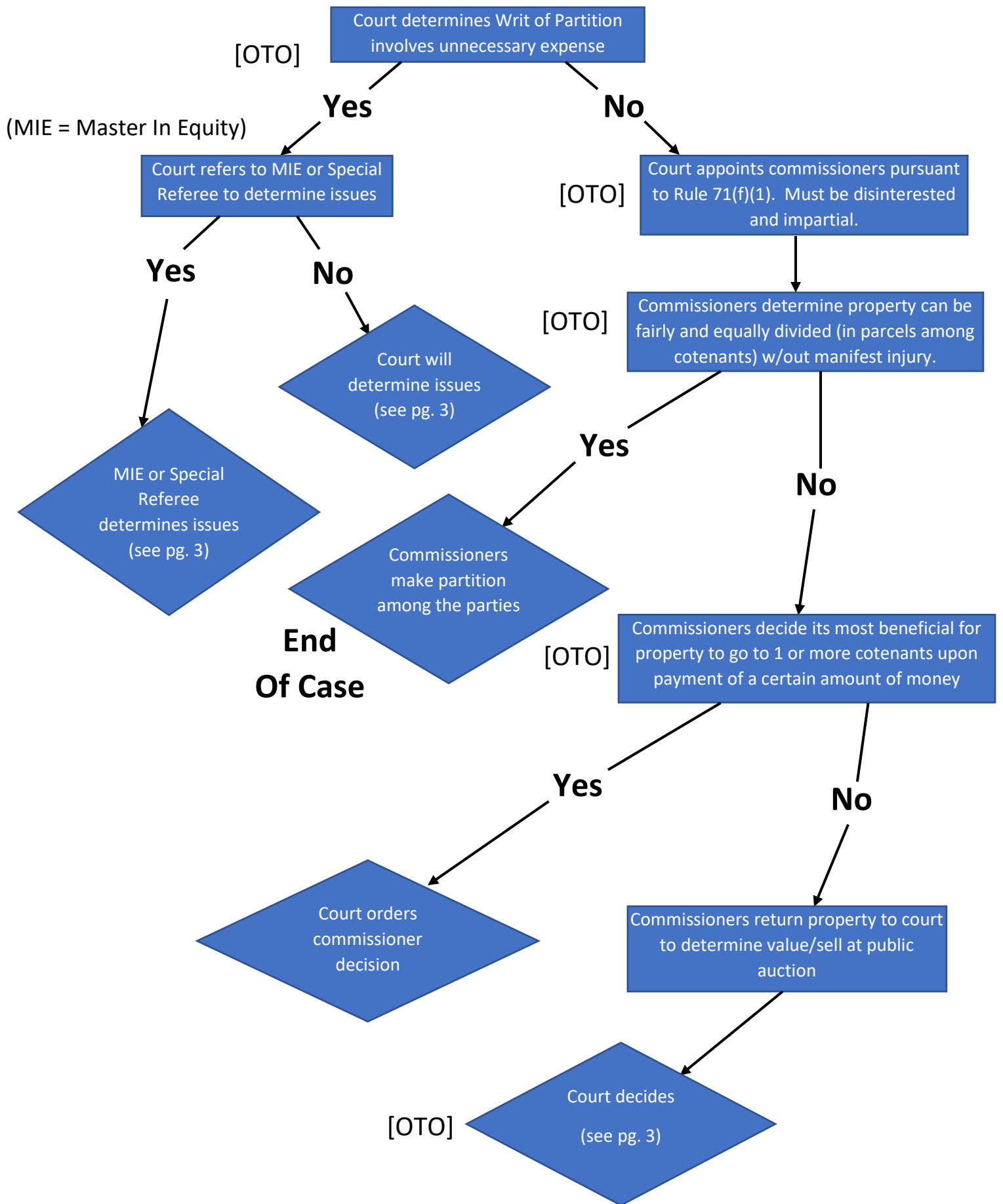
Flowchart Creator: Susan Ingles

Special Thanks to: Alexander Nesemeier

South Carolina Legal Services

(OTO = Opportunity To Object)





# Determination of Issues by Court or MIE

Cotenants agree to value or valuation method

**Yes**

**No**

Court adopts value or method

Court finds evidentiary value of an appraisal is outweighed by the cost

**Yes**

**No**

Court takes testimony, establishes value and notifies Plaintiff

[OTO]

Court orders appraisal by appointing disinterested and impartial real estate appraiser

Plaintiff notifies all parties within 1 week

Appraisal filed with court

After 60 days, court conducts hearing to determine Fair Market Value (whether any cotenants objects or not).

Court Notifies Plaintiff:  
- Value  
- Appraisal available at Clerk's office.  
- OTO value. (must be filed within 30 days)

[OTO]

Plaintiff notifies all parties of above within 1 week.  
(Note: Weekends and Holidays don't count)

Cotenants can offer other evidence of Fair Market Value

Court issues order to determine Fair Market Value and allocation of cost of appraisal and notifies Plaintiff

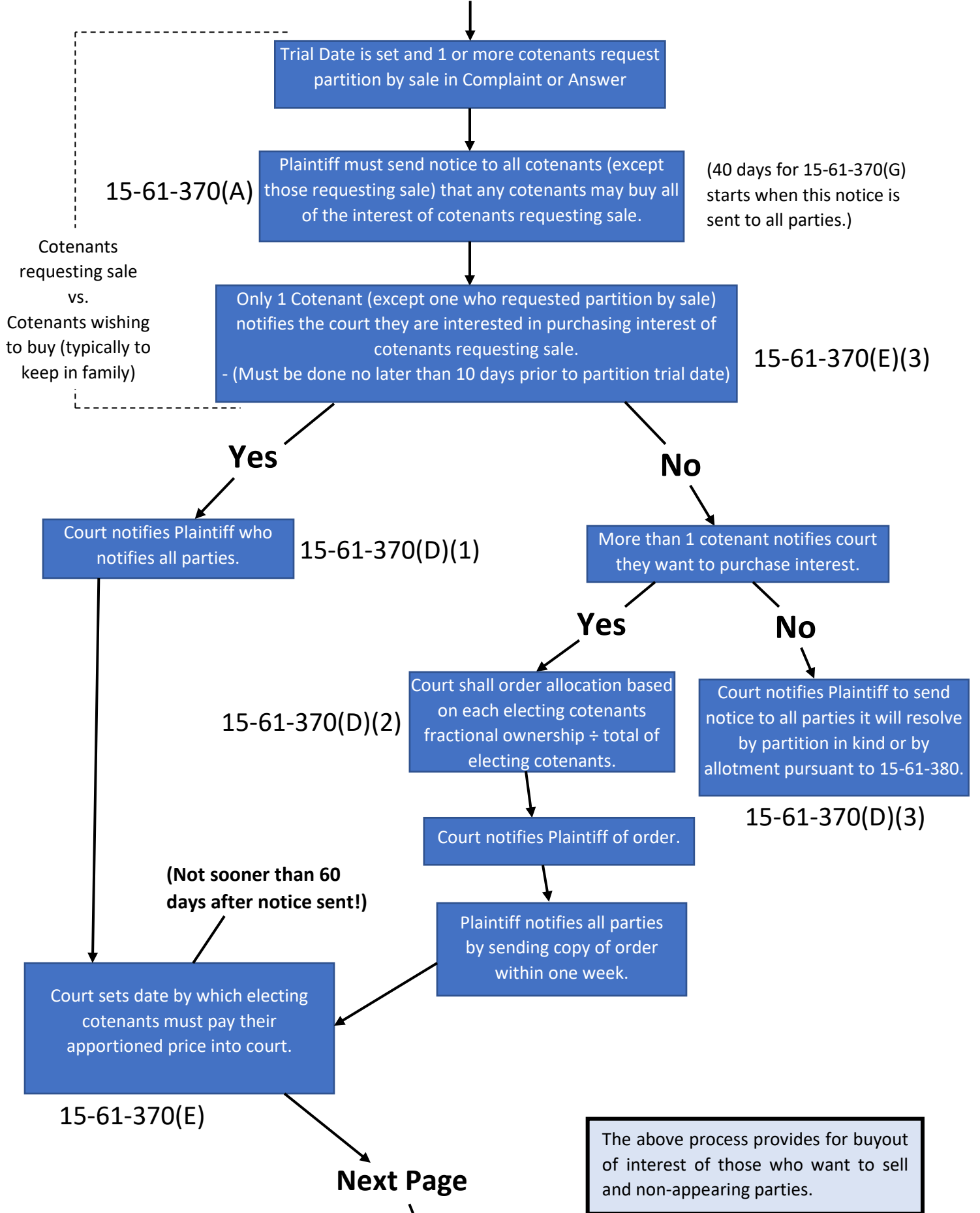
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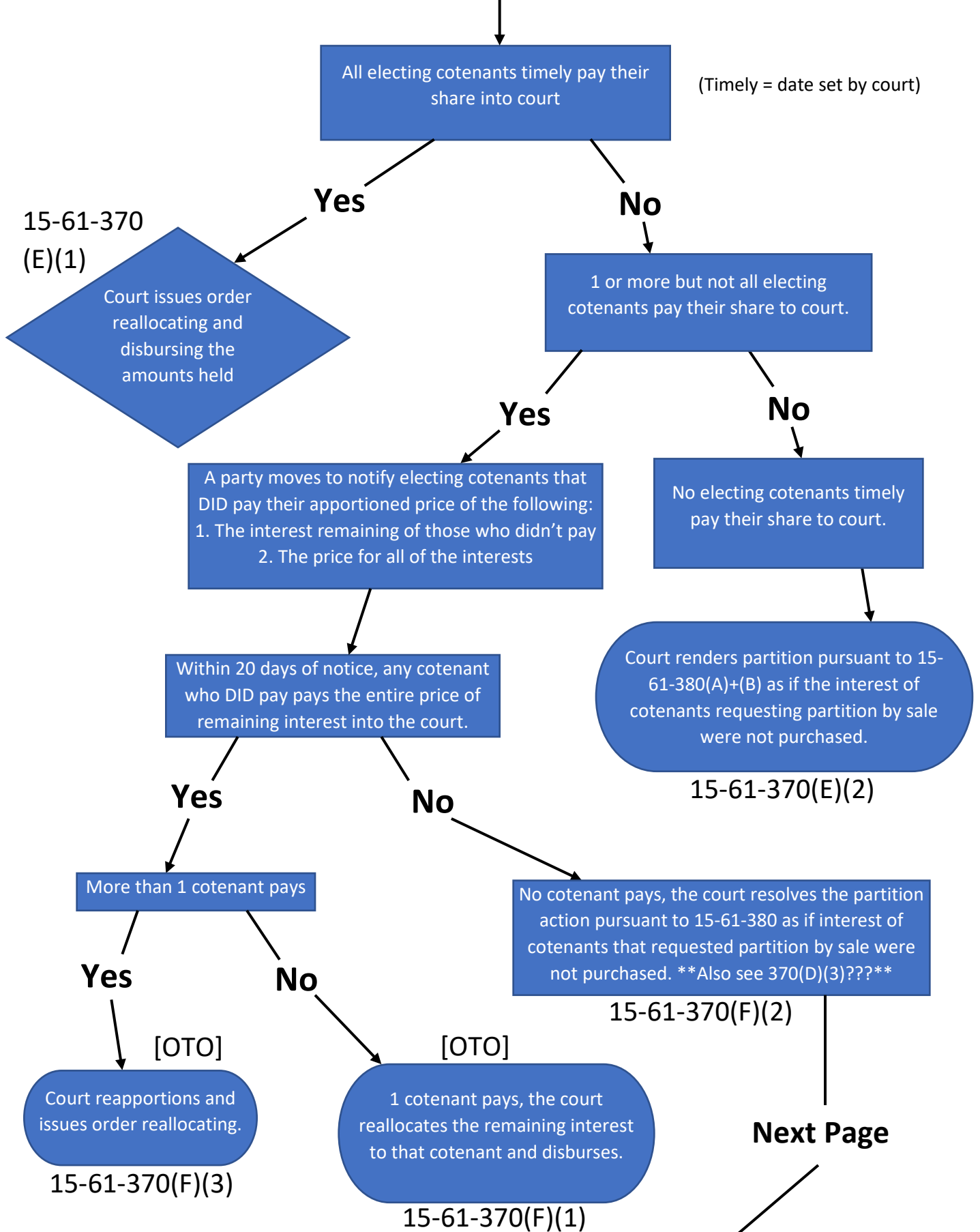
Plaintiff shall:  
1. Within one week send copies to all parties. (15-61-360(G))  
2. Send notice to the parties that any cotenant that did not request a partition by sale may buy all of the interest of cotenants that did request partition by sale. (15-61-370(A))\*\*

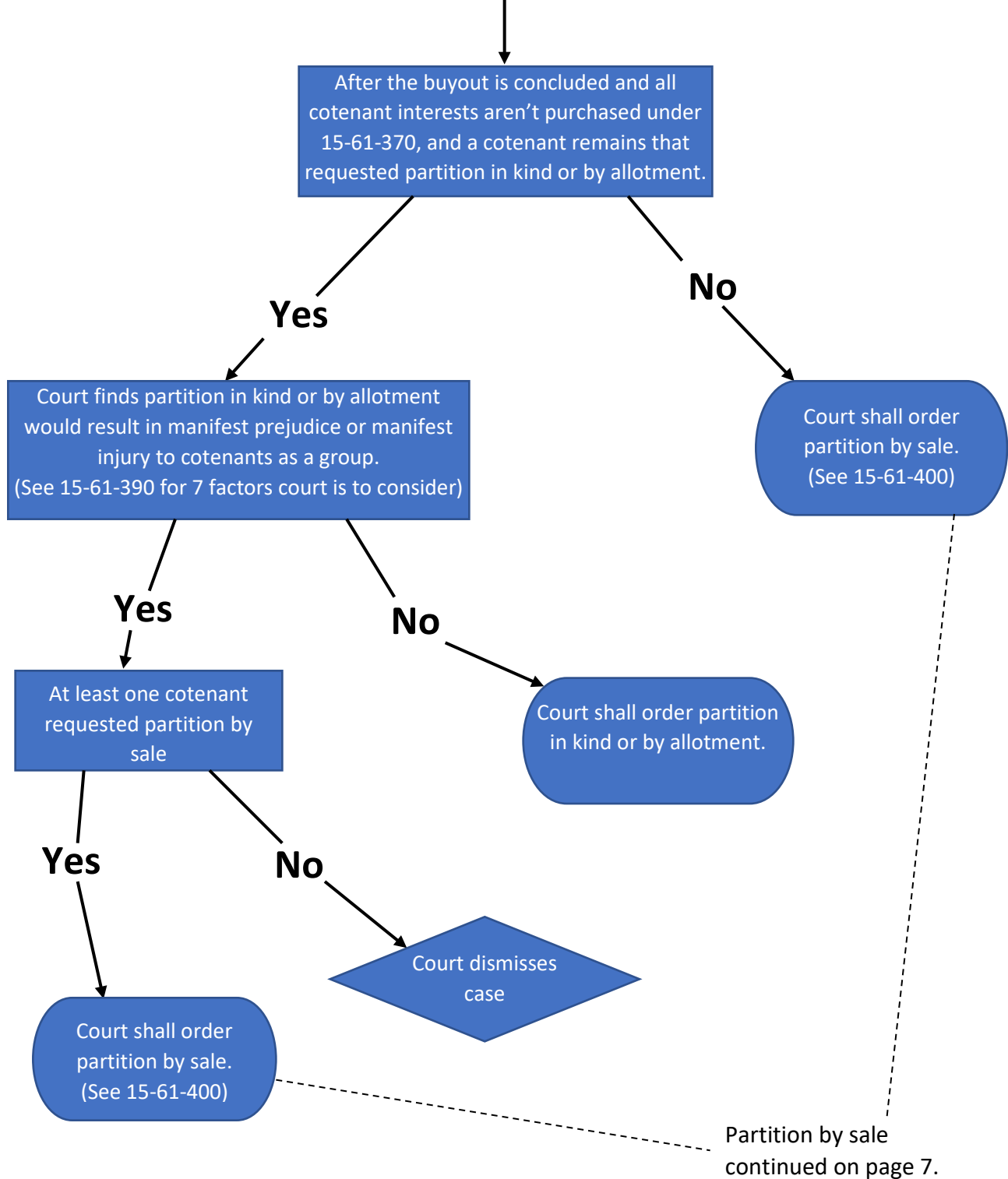
\*\* (Parties have 40 days to request the Court authorize a sale of the interest of non-appearing cotenants. 15-61-370(G))  
Court may deny or authorize the requested additional sale pursuant to 15-61-370(H).

Court sets date for trial on the merits of partition. (see pg. 4)

**Next Page**







**Note on partitions in kind or by allotment:**

- Pursuant to 15-61-380(C), the court can require payment by 1 or more cotenants to other cotenants to make the partition just and proportionate in value to the fractional interests held.
- Pursuant to 15-61-380(A), the court shall approve a request of 2 or more parties to have their interest aggregated.

