

SENATE FILE NO. SF0053

Partition actions subject to subdivision laws.

Sponsored by: Senator(s) Bebout

A BILL

for

1 AN ACT relating to partitions of real property; requiring  
2 specified partition orders to comply with subdivision laws;  
3 and providing for an effective date.  
4

5 *Be It Enacted by the Legislature of the State of Wyoming:*  
6

7 **Section 1.** W.S. 1-32-103, 1-32-104 and 18-5-303(a)(ii)  
8 are amended to read:  
9

10 **1-32-103. Filing and contents of petition.**  
11

12 A person entitled to partition of an estate may file his  
13 petition in the district court setting forth the nature of  
14 his title, a description of the lands, tenements or  
15 hereditaments of which partition is demanded, and naming  
16 each tenant in common, coparcener or other interested  
17 person as defendant. If the petition seeks a division of

1 property which would result in a total of five (5) or more  
2 units of land and the division would otherwise be subject  
3 to the provisions of title 18, chapter 5, article 3 of the  
4 Wyoming statutes, the petition shall disclose that fact.

5  
6 **1-32-104. Finding of court; order for partition;**  
7 **appointment of commissioners; ordering writ of execution to**  
8 **issue.**

9  
10 If the court finds that the plaintiff has a legal right to  
11 any part of the estate, it shall order partition in favor  
12 of the plaintiff or all parties in interest, appoint three  
13 (3) disinterested persons of the vicinity to be  
14 commissioners to make the partition and order a writ of  
15 execution to issue. If the court finds its order dividing  
16 property would result in a total of five (5) or more units  
17 of land and the division would otherwise be subject to the  
18 provisions of title 18, chapter 5, article 3 of the Wyoming  
19 statutes, the court shall order the partition only after  
20 compliance by the petitioner with those provisions.

21  
22 **18-5-303. Exemptions from provisions.**

23

1 (a) Unless the method of sale or other disposition is  
2 adopted for the purpose of evading the provisions of this  
3 article, this article shall not apply to the following  
4 subdivisions of land however, the following subdivisions  
5 are subject to requirements which may be adopted by the  
6 board of county commissioners regarding documentation of  
7 the proper use and implementation of the following  
8 exemptions:

9

10 (ii) A division which may be created by any  
11 court of this state pursuant to the law of eminent domain,  
12 by operation of law or by order of any court in this state,  
13 except that this paragraph shall not exempt a partition of  
14 real property pursuant to W.S. 1-32-101 through 1-32-122  
15 from compliance with this article if the partition would  
16 result in a total of five (5) or more units of land and the  
17 division would otherwise be subject to the provisions of  
18 this article;

19

20 **Section 2.** This act is effective July 1, 2013.

21

22

(END)