

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

Sally Land Hostage,

Plaintiff,

v.

Strange Bedfellow,

Defendant.

CIVIL ACTION

FILE NO.: _____

Petition for Partition of Real Property

Plaintiff, SALLY LAND HOSTAGE, brings this Petition Partition of Real Property against STRANGE BEDFELLOW, named as Defendant above, and shows this Court as follows:

1.

The subject of this action is certain real property (the “Property”) located in Cobb County, State of Georgia, commonly known as 123 Any Street, Marietta, Cobb County, Georgia 30000, and more particularly described as follows:

All that tract or parcel of land lying and being in Land Lot 500 of the 4th District, 3rd Section of Cobb County, Georgia, and being more fully described in Exhibit “A” attached hereto and incorporated herein for a more accurate and complete description.

2.

Plaintiff Sally Land Hostage and Defendant Strange Bedfellow are co-owners of the Property described above. Plaintiff Hostage no longer wishes to co-own the Property with Defendant Bedfellow.

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Count 1: Petition for Partition of Real Property

3.

Plaintiff seeks partition of the entire fee simple interest in the Property.

4.

Plaintiff requests that the Property be partitioned by sale pursuant to O.C.G.A. § 44-6-166.1. Partition by sale is more equitable in the circumstances than partition by physical division for the reason that the Property includes a single building that cannot be physically divided.

5.

There are no liens or encumbrances on the Property appearing of record or otherwise known to Plaintiff or apparent from an inspection of the Property.

6.

Plaintiff is entitled to judgment against Defendant for their respective share of sums reasonably spent in maintaining and preserving the Property, for the costs of this action and legal fees, and for the costs of partition, which judgment shall be secured by an equitable lien against the partition sale proceeds and/or against the interests of Defendant.

WHEREFORE, Plaintiff prays for the following relief:

- a) That Summons and process issue requiring the Defendant to appear and answer this Petition; and
- b) For judgment partitioning the Property by sale and dividing the proceeds;
- c) For judgment against Defendant for his respective shares of the expenses of maintaining and preserving the Property;
- d) For judgment against Defendants for his respective shares of the costs of partition and of this action, **including attorney's fees;**

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- e) That any judgment against Defendant be secured by a lien on the respective interests of Defendants in the Property and/or proceeds of the sale of the Property;
- f) For such other and further relief as the Court deems proper.

This _____ day of _____, _____.

Tracy L. Rhodes
Georgia Bar No.: XXXXXX
Counsel for Plaintiff

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