



REAL ESTATE INTAKE FORM

Name _____

Address _____
Number Street City State Zip

Home Phone (_____) _____

E-Mail: _____

Briefly explain what you may need advice about or assistance with today:

1. What are the names and addresses of each plaintiff and potential defendant?
 - a. Has any party begun legal proceedings? If so,
 - i. Has a complaint been filed?
 - ii. Has notice been served or published?

2. What is the nature of the property interests of each potential party?

- i. Are they tenants in common, joint tenants, or tenants by the entireties?
 - ii. Do any cotenants have spouses who may be potential parties?
 - iii. Is there a mortgagee who might be joined as a defendant?
3. Is there an agreement between the client and any potential parties that provides for partition or that precludes it?
 - a. Does the client have a present right to possession of the property?
 - b. What is the legal description of the land?
 - c. What is the share claimed by each co-owner?
 - d. Are there any other facts that might affect an adjudication of the rights of the parties?

- i. Is the property held in a tenancy by the entireties?
 - ii. If partitioned, would the resulting interests be marketable or would partition be financially prejudicial to the client?
 - iii. If sale of the property is sought, is there a possibility that the parties can voluntarily agree to the sale terms?
 - iv. Has the client made improvements to the property, and if so, does the client desire an adjustment in the share allocated on partition?
 - v. Has the client made any financial expenditures for principal, interest, or maintenance of the land and if so, does the client desire reimbursement?
 - vi. Are there any clouds on the title, outstanding recorded or unrecorded liens, or disputes over possession of the property?
 - vii. Are there any outstanding tax or other liens?
 - viii. Are there any unrecorded easements that the client knows are in use?
 - ix. Is there any person who claims possession adverse to the client's interest?
4. Does the client suspect that any other co-owner might attempt to sell or encumber property during partition action, indicating need to file notice of lis pendens against the property?
- a. Are there any potential defenses that may be raised against partition?

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- i. If a complaint has been filed, does it contain the allegations required by statute?
 - ii. Has a known and indispensable party not been joined in the action?
 - iii. Is there evidence that one co-tenant has been in exclusive possession of the property in a manner inconsistent with the rights of another co-owner who knew of that possession, suggesting a claim of ouster or laches?