

RCW 7.54.060 Partition alternatives. (1) If all the interests of all cotenants that requested partition by sale are not purchased by other cotenants pursuant to RCW 7.54.050, or if after conclusion of the buyout under RCW 7.54.050, a cotenant remains that has requested partition in kind, the court shall order partition in kind unless the court, after consideration of the factors listed in RCW 7.54.070, finds that partition in kind will result in great prejudice to the cotenants as a group. In considering whether to order partition in kind, the court shall approve a request by two or more parties to have their individual interests aggregated.

(2) If the court does not order partition in kind under subsection (1) of this section, the court shall order partition by sale pursuant to RCW 7.54.080 or, if no cotenant requested partition by sale, the court shall dismiss the action.

(3) If the court orders partition in kind pursuant to subsection (1) of this section, the court may require that one or more cotenants pay one or more other cotenants amounts so that the payments, taken together with the value of the in-kind distributions to the cotenants, will make the partition in kind just and proportionate in value to the fractional interests held.

(4) If the court orders partition in kind, the court shall allocate to the cotenants that are unknown, unlocatable, or the subject of a default judgment, if their interests were not bought out pursuant to RCW 7.54.050, a part of the property representing the combined interests of these cotenants as determined by the court and this part of the property shall remain undivided. [2023 c 6 § 108.]