

CHAPTER 277.

PARTITION OF PERSONAL PROPERTY.

277.01 Complaint; trial, how had.
277.02 Sale, how conducted.

| 277.03 Costs of sale.

277.01 Complaint; trial, how had. When any of the owners of personal property in common shall desire to have a division and they are unable to agree upon the same an action may be commenced for that purpose. Such action shall be tried by the court and if in its opinion a division of such property can be had without a sale thereof judgment shall be given accordingly and the property shall be divided, in accordance with the interest of the parties therein, and each owner shall be vested with the full title of his share in severalty. The court may appoint a receiver, enter an interlocutory or final judgment in order to do complete justice. [1935 c. 541 s. 359]

Revisor's Note, 1935: The addition is in substance what is said in *Laing v. Williams*, 135 W 253. (Bill No. 50 S, s. 359)

277.02 Sale, how conducted. When a division cannot be had without injury to some of the parties interested the court shall order a sale and the sheriff of the county or some other person appointed by said court, shall sell said property, after giving ten days' notice by posting notices of such sale in three public places in the town, city or village where such property is found, at public auction, and the bill of sale of such sheriff or person so appointed shall convey to the purchaser such title, interest and estate in said property as the respective tenants in common had, and the sheriff or person appointed shall forthwith report to the court all his proceedings, and the court on confirming the sale shall order the payment to each tenant in common of his ratable share of the proceeds of such sale. [1935 c. 541 s. 360]

277.03 Costs of sale. The sheriff or other person appointed to make a sale shall be entitled to compensation for his services to be fixed by the court and taxed in the bill of costs against the defendant in such action where the court shall find that such defendant unreasonably refused to divide or sell said property and divide the proceeds thereof upon the application of the plaintiff, otherwise such sheriff or other person shall be paid out of the common proceeds of such sale. [1935 c. 541 s. 361]