

Understanding Partition Sales in Florida

A Guide for Heirs & Co-Owners of Inherited Property

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When multiple people inherit a property and can't agree on what to do with it, the situation can quickly become stressful, expensive, and legally complicated. This guide explains what a partition sale is, how the process works in Florida, what your options are, and how we can help you avoid the courthouse entirely.

What's Inside This Guide

1. What Is a Partition Sale?
2. Why Do Partition Sales Happen?
3. How the Partition Process Works in Florida
4. The Real Costs of a Court-Ordered Partition
5. Your Options When Co-Owners Disagree
6. How We Can Help: Buying Out Heir Shares
7. Common Scenarios We Handle
8. Frequently Asked Questions
9. Your Rights as a Co-Owner
10. Next Steps & Contact Information

1. What Is a Partition Sale?

A **partition sale** (also called a **partition action**) is a legal process that allows any co-owner of a property to force the sale of that property through the court system — even if the other co-owners don't want to sell.

In Florida, when two or more people own a property together — whether through inheritance, joint purchase, or any other arrangement — each owner has the legal right to request a partition. This means **no co-owner can be forced to remain in a property ownership arrangement against their will**.

Key Point:

Any co-owner — even one with a small percentage of ownership — can file a partition action to force a sale.

There are two types of partition in Florida:

Partition in Kind — The property is physically divided among the co-owners. This is rare and usually only applies to large tracts of undeveloped land where the property can be fairly split.

Partition by Sale — The property is sold (usually at auction) and the proceeds are divided among the co-owners based on their ownership shares. This is the most common outcome for residential properties.

Most inherited homes end up in a **partition by sale** because you can't physically divide a house. This means the property goes to auction — often selling for significantly less than market value.

2. Why Do Partition Sales Happen?

Partition sales almost always stem from disagreements between co-owners. Here are the most common situations we see:

Inherited Property Disputes

A parent passes away and leaves a home to multiple children. One sibling wants to sell, another wants to keep it, and a third wants to rent it out. When they can't agree, a partition action becomes the only legal remedy.

One Heir Living in the Property

One sibling is living in the inherited home and refuses to sell or pay rent to the other heirs. The other co-owners feel stuck — they can't access their share of the equity without forcing a sale.

Out-of-State Heirs

When some heirs live far away and can't participate in managing the property, they often want to sell and receive their share. Local heirs may disagree, creating a stalemate.

Financial Pressure

One or more co-owners need their share of the equity for medical bills, debt, education, or other expenses. They can't wait indefinitely for the other owners to agree to sell.

Divorce or Relationship Breakdown

Unmarried couples or business partners who co-own property may need to divide the asset when the relationship ends.

Property Deterioration

The property is sitting vacant and deteriorating. Some co-owners want to sell before it loses more value, while others are emotionally attached or indifferent.

3. How the Partition Process Works in Florida

If co-owners cannot reach an agreement privately, any co-owner can file a partition lawsuit in Florida circuit court. Here's how the process typically unfolds:

Step 1: Filing the Lawsuit

A co-owner (the plaintiff) files a partition complaint with the circuit court in the county where the property is located. All other co-owners are named as defendants and served with legal notice.

Step 2: Response Period

The other co-owners have 20 days to respond. They can agree to the partition, contest it, or propose alternatives. However, the right to partition is nearly absolute in Florida — courts almost always grant the request.

Step 3: Court Determination

The court determines whether partition in kind (physical division) is possible. For residential properties, the court almost always orders a partition by sale.

Step 4: Appointment of a Commissioner or Magistrate

The court appoints a special magistrate or commissioner to oversee the sale. This person manages the listing, marketing, and sale of the property.

Step 5: Property Sale

The property is sold — either through a private sale (if the court allows it) or at a public auction. Court-ordered sales often result in below-market prices because buyers know the sellers are legally compelled to sell.

Step 6: Distribution of Proceeds

After the sale, the court deducts all costs — attorney fees, court costs, commissioner fees, liens, back taxes, and other expenses. The remaining proceeds are divided among the co-owners based on their ownership percentages.

The entire partition process typically takes 6 to 18 months and can cost each party \$5,000 to \$30,000+ in legal fees alone.

4. The Real Costs of a Court-Ordered Partition

Many people don't realize how expensive and destructive a partition sale can be. Here's what you're really looking at:

Cost Category	Typical Range	Who Pays
Attorney Fees (per party)	\$5,000 – \$30,000+	Each co-owner
Court Filing Fees	\$300 – \$500	Plaintiff (initially)
Commissioner/Magistrate Fees	\$2,000 – \$10,000	Deducted from sale
Property Appraisal	\$300 – \$600	Deducted from sale
Title Search & Clearing	\$500 – \$2,000	Deducted from sale
Property Repairs/Prep	Varies	Deducted from sale
Below-Market Sale Price	10% – 40% discount	All co-owners lose equity

The Hidden Cost: Below-Market Sale Price

The biggest financial hit in a partition sale isn't the legal fees — it's the sale price. Properties sold through court-ordered partition auctions routinely sell for **10% to 40% below fair market value**. Buyers at these auctions know the sellers have no choice, and they bid accordingly.

For example, on a property worth \$300,000:

Scenario	Sale Price	After Costs	Each Heir Gets (3 heirs)
Fair Market Sale	\$300,000	\$270,000	\$90,000
Partition Auction (20% discount)	\$240,000	\$190,000	\$63,333
Partition Auction (35% discount)	\$195,000	\$145,000	\$48,333

The difference between a fair market sale and a partition auction can cost each heir tens of thousands of dollars.

5. Your Options When Co-Owners Disagree

Before a partition action reaches the courthouse, there are several alternatives worth exploring. Here are your options, from best to worst outcome:

Option 1: Negotiate a Private Agreement

The best outcome is when all co-owners agree on a plan — sell, rent, or have one owner buy out the others. This avoids all legal costs and keeps the full equity within the family. A mediator can help facilitate these conversations.

Best outcome — no legal costs, full market value preserved.

Option 2: One Co-Owner Buys Out the Others

If one heir wants to keep the property, they can buy out the other heirs' shares at fair market value. This requires getting an appraisal and having the financial means (cash, refinance, or loan) to complete the buyout.

Good outcome — property stays in family, everyone gets fair value.

Option 3: Sell Your Share to a Third Party (Like Us)

You can sell your ownership interest to a real estate buyer like FL Probate Buyer. We purchase heir shares directly — giving you immediate cash for your portion without forcing the other co-owners to sell. This is often the fastest and least contentious solution.

Fast resolution — you get cash now, no court involvement.

Option 4: List the Property Together

All co-owners agree to list the property with a real estate agent and split the proceeds. This gets market value but requires unanimous agreement and patience for the listing process.

Good outcome if everyone agrees — but requires cooperation.

Option 5: File a Partition Action (Last Resort)

If no agreement can be reached, any co-owner can file a partition lawsuit. While this guarantees a resolution, it's the most expensive and time-consuming option, and typically results in the lowest sale price.

Worst financial outcome — high costs, below-market sale, damaged relationships.

6. How We Can Help: Buying Out Heir Shares

You Don't Have to Go to Court.

We buy individual heir shares — giving you immediate cash

At FL Probate Buyer, we specialize in resolving co-ownership disputes without the need for costly partition lawsuits. Here's how we help:

We Buy Your Share Directly

If you want out of a co-ownership situation, we can purchase your ownership interest for a fair price. You receive cash, and the other co-owners are not forced to sell or change anything about their situation.

We Buy Multiple Shares

If several heirs want to sell but one or two want to keep the property, we can buy out the selling heirs' shares. This gives the remaining owners the opportunity to keep the property without the pressure of a partition lawsuit.

We Buy the Entire Property

If all co-owners agree to sell, we can purchase the entire property with a fair cash offer — no agents, no commissions, no repairs needed. We handle the paperwork and coordinate with everyone involved.

We Offer Cash Advances

Need money now while the situation is being resolved? We can provide cash advances against your ownership interest, giving you immediate financial relief without waiting for a sale to close.

We Help Facilitate Agreements

Sometimes families just need an objective third party to present the numbers. We provide free property valuations and help co-owners understand their options so they can make informed decisions together.

Our Process Is Simple:

1. You tell us about your situation and ownership share
2. We evaluate the property and make you a fair offer for your interest
3. If you accept, we handle all the paperwork and legal coordination
4. You receive your cash — typically within 2-4 weeks
5. The other co-owners are not affected unless they also want to sell

7. Common Scenarios We Handle

Scenario: Three Siblings Inherit a Home

Situation: Mom passed away and left the house to her three children equally. Sarah lives in the house and wants to keep it. Michael needs money for medical bills and wants to sell immediately. Jennifer lives out of state and just wants her share.

Resolution: We purchased Michael and Jennifer's shares (1/3 each) at fair market value. Sarah was able to stay in the home. Michael got the cash he needed, and Jennifer received her inheritance without the hassle of managing a property from 1,000 miles away. No lawyers, no court, no family conflict.

Scenario: Ex-Partners Can't Agree

Situation: An unmarried couple bought a home together. After the relationship ended, one partner wanted to sell and the other refused to leave. Communication had broken down completely.

Resolution: We purchased the selling partner's 50% share, giving them immediate cash to move on. The remaining partner was given the option to buy us out at a fair price or work out a new arrangement.

Scenario: Distant Relatives Inherit Together

Situation: A property was left to five cousins who barely know each other. Three wanted to sell, one wanted to rent it out, and one couldn't be located. The property sat vacant for two years, deteriorating.

Resolution: We purchased the three selling cousins' shares immediately. We then worked with the remaining family members to find a resolution for the whole property — preventing further deterioration and getting everyone their fair share.

Scenario: Heir Living Rent-Free

Situation: Dad's house was left to two brothers. One brother moved in and has been living there rent-free for three years. The other brother wants his half of the equity but doesn't want to sue his own sibling.

Resolution: We offered to buy the non-resident brother's 50% share at fair value. He received his inheritance in cash without damaging the family relationship. The brother living in the home was given the option to purchase our share over time.

8. Frequently Asked Questions

Q: Can I really sell just my share of an inherited property?

A: Yes. In Florida, each co-owner has the legal right to sell, transfer, or encumber their ownership interest without the consent of the other co-owners. You don't need anyone's permission to sell your share.

Q: Will selling my share affect the other co-owners?

A: Not directly. The other co-owners retain their shares and their rights to the property. The only change is that they now have a new co-owner (us) instead of you. We always work respectfully with all parties involved.

Q: How do you determine the value of my share?

A: We start with the fair market value of the entire property (based on comparable sales and, if needed, a professional appraisal). Your share is calculated based on your ownership percentage, minus any outstanding liens, taxes, or encumbrances on the property.

Q: How long does the process take?

A: From initial conversation to closing, the typical timeline is 2-4 weeks. Compare that to a partition lawsuit, which can take 6-18 months.

Q: Do I need a lawyer?

A: We always recommend consulting with an attorney, and we're happy to work with your legal counsel throughout the process. However, because this is a voluntary sale (not a court action), the legal costs are minimal compared to a partition.

Q: What if I don't know my exact ownership percentage?

A: We can help determine this. Ownership percentages are typically established by the deed, the will, or Florida's intestate succession laws. We'll research the title and help clarify your share.

Q: What if there are liens or back taxes on the property?

A: We handle this regularly. Liens and back taxes are factored into our offer. In many cases, we can resolve these issues as part of the transaction, so you don't have to deal with them separately.

Q: Can you help if a partition lawsuit has already been filed?

A: Yes. Even after a partition action is filed, the parties can still reach a private agreement. We can step in and purchase shares to resolve the dispute, which often results in the lawsuit being dismissed — saving everyone time and money.

9. Your Rights as a Co-Owner in Florida

As a co-owner of property in Florida, you have important legal rights that protect your interests:

Right to Possession

Every co-owner has the right to possess and use the entire property, regardless of their ownership percentage.

Right to Partition

Any co-owner can petition the court for partition at any time. This right is nearly absolute in Florida and cannot be waived verbally.

Right to Sell Your Interest

You can sell your ownership share to anyone without the consent of other co-owners.

Right to an Accounting

If one co-owner is collecting rent or receiving income from the property, the other co-owners are entitled to their proportional share.

Right to Contribution

If you pay more than your share of property expenses (taxes, insurance, mortgage), you may be entitled to reimbursement from the other co-owners.

Right to Improvements Credit

If you make improvements that increase the property's value, you may receive credit for those improvements in a partition proceeding.

Important: This guide is for educational purposes only and does not constitute legal advice.

Every situation is unique. We recommend consulting with a Florida real estate attorney for advice specific to your circumstances.

10. Next Steps

If you're dealing with a co-ownership dispute or considering a partition action, we're here to help. Here's what to do next:

Step 1: Call Us for a Free Consultation

We'll listen to your situation, explain your options, and give you an honest assessment — no pressure, no obligation.

Step 2: Get a Free Property Valuation

We'll research the property and provide a fair market value estimate so you know exactly what your share is worth.

Step 3: Receive a Written Offer

If selling your share makes sense, we'll provide a clear, written offer within 48 hours. You'll have time to review it with your attorney.

Step 4: Close on Your Timeline

If you accept, we handle all the paperwork and coordinate with all parties. Most transactions close within 2-4 weeks.

Ready to Resolve Your Situation?

Call: (561) 556-7939

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