

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

\_\_\_\_\_, ) CASE NO. \_\_\_\_\_  
)  
Plaintiff, ) JUDGE \_\_\_\_\_  
)  
)  
vs. ) **STIPULATION FOR DECREE**  
) **OF PARTITION (Partial)**  
)  
\_\_\_\_\_, )  
)  
Defendant. )

The parties having agreed that (plaintiff/defendant-counterclaimant) \_\_\_\_\_ is entitled to a Decree of Partition regarding the property hereinafter described, hereby stipulate to the following:

1. The real estate for which (plaintiff/defendant-counterclaimant) \_\_\_\_\_ seeks partition (hereinafter "the subject property") is described as follows:  
  
SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"  
  
Permanent Parcel Number \_\_\_\_\_  
Commonly known as \_\_\_\_\_
2. (Plaintiff/defendant-counterclaimant) \_\_\_\_\_ owns an undivided \_\_\_\_\_ interest in the subject property and, as a result, is entitled to partition of the premises as prayed for in \_\_\_\_\_ (complaint/cross-claim). See R.C. 5307.01; *Schmid v. Schmid*, (1930), 35 Ohio App. 526, 530-31.
3. (Plaintiff/defendant) \_\_\_\_\_ owns an undivided \_\_\_\_\_ interest in the subject property;

4. (Plaintiff/defendant) \_\_\_\_\_ owns an undivided \_\_\_\_\_ interest in the subject property;
5. (Plaintiff/defendant) \_\_\_\_\_ owns an undivided \_\_\_\_\_ interest in the subject property;
6. (Plaintiff/defendant) \_\_\_\_\_ owns an undivided \_\_\_\_\_ interest in the subject property;
7. (Plaintiff/defendant) \_\_\_\_\_ owns an undivided \_\_\_\_\_ interest in the subject property;
8. (Plaintiff/defendant) \_\_\_\_\_ owns an undivided \_\_\_\_\_ interest in the subject property;
9. (Plaintiff/defendant) \_\_\_\_\_ owns an undivided \_\_\_\_\_ interest in the subject property.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that partition be made of the subject property and that one suitable disinterested person namely \_\_\_\_\_ be appointed Commissioner to make the partition, except that if the Commissioner is of the opinion that the premises cannot be divided by metes and bounds according to the demand of the Writ of Partition issued herein without manifest injury to its value, the Commissioner is to make a just valuation of said premises in money.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that a Writ of Partition shall issue to the Sheriff of Cuyahoga County, Ohio commanding him to cause to set off to the plaintiff(s) and defendant(s) their aforesaid proportional interests in said premises and to make due return of his proceedings.

The parties further stipulate that the interests of the above named plaintiff(s) and

defendant(s) are subject to any unpaid taxes, assessments, penalties and interest that may be due and payable on said premises and to the interests of defendants (mortgage or lienholders) \_\_\_\_\_

. The parties further stipulate that the interest of the above named plaintiff(s) and defendant(s) are subject to the costs of the within action, including such fees as the Court may subsequently allow.

Agreed:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

IT IS SO ORDERED

\_\_\_\_\_  
JUDGE