

651.28 Initial decree.

1. If the court determines that a property subject to a partition action is heirs property, and a cotenant requests a partition in kind of such property, the court shall file an initial decree pursuant to [section 651.12](#) ordering the partition action to proceed under [this subchapter](#). The court shall appoint a referee and direct the referee to obtain an appraisal as provided in [section 651.12](#). The referee shall file the appraisal with the court.

2. Within ten calendar days after the referee files the appraisal with the court, the court shall send notice to the referee and to each party to the partition action. The notice shall provide all of the following information:

- a. The appraised fair market value of the heirs property.
- b. The address of the clerk's office where the appraisal is available for review.
- c. Advise that a party may file an objection to the appraisal with the court no later than thirty calendar days after the date of notice by the court. An objection must state the grounds for the objection.

3. No sooner than thirty calendar days after the date of notice by the court and regardless of whether an objection to the appraisal is filed, the court shall conduct a hearing to determine the fair market value of the heirs property. The court shall set a time and place for the hearing and give notice to the referee and all parties to the partition action. At the hearing, in addition to the court-ordered appraisal, the court may consider any other evidence offered by the referee or by a party to the partition action.

4. After the hearing the court shall file an order that determines the fair market value of the heirs property and provide notice of the determination to the referee and all parties to the partition action.

[2018 Acts, ch 1108, §28](#)

Referred to in [§651.29](#)