

651.5 Parties to petition for partition of property.

1. A petition for partition of property shall include as parties all persons indispensable to the partition including an owner of an undivided interest and a holder of a lien on all or part of the property.

2. A petition for partition of property may include as parties a person having an actual, apparent, claimed, or contingent interest in the property.

3. The court shall have jurisdiction over an unborn person's contingent or prospective vested interest as a cotenant of real property in a partition proceeding. The court shall appoint a guardian ad litem for such unborn person pursuant to the rules of civil procedure. The partition in kind or partition by sale of the real property pursuant to a court decree shall have the same force and effect as to all such unborn persons, or persons claiming by, through, or under the unborn person, as though the unborn person were in being when the decree was entered and the real property or proceeds of the unborn person's interest shall be subject to the order of the court until the right fully vests.

[2018 Acts, ch 1108, §5](#)

Referred to in [§651.4](#)

Former §651.5 repealed by [2018 Acts, ch 1108, §33](#)