

**651.1 Definitions.**

As used in [this chapter](#), unless the context otherwise requires:

1. “*Ascendant*” means an individual who precedes another individual in lineage in the direct line of ascent from the other individual.
2. “*Collateral*” means an individual who is related to another individual under the law of intestate succession of this state but who is not the other individual’s ascendant or descendant.
3. “*Cotenant*” means a person holding title to real property under tenancy in common ownership.
4. “*Descendant*” means an individual who follows another individual in lineage in the direct line of descent from the other individual.
5. “*Heirs property*” means real property held in tenancy in common that satisfies all of the following requirements as of the date of the filing of a partition action:
  - a. There is not a recorded agreement that binds all of the cotenants that governs the partition of the property.
  - b. One or more of the cotenants acquired title from a living or deceased relative.
  - c. Any of the following apply:
    - (1) Twenty percent or more of the interests are held by cotenants who are relatives.
    - (2) Twenty percent or more of the interests are held by an individual who acquired title from a living or deceased relative.
    - (3) Twenty percent or more of the cotenants are relatives.
6. “*Owelty*” means an equitable remedy in a partition action used to equalize the value of the property a party receives through the payment of a sum of money from a recipient of a higher value property to the recipient of a lower value property.
7. “*Partition by sale*” means a court-ordered sale of property subject to partition.
8. “*Partition in kind*” means a court-ordered division of property subject to partition into physically distinct and separately titled parcels.
9. “*Record*” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
10. “*Relative*” means an ascendant, descendant, or collateral or an individual otherwise related to another individual by blood, marriage, adoption, or other law of this state.

[2018 Acts, ch 1108, §1](#)

Former §651.1 repealed by [2018 Acts, ch 1108, §33](#)