

IN THE CIRCUIT COURT OF MARYLAND
FOR BALTIMORE COUNTY

)
JANE R. DOE)
2700 Eagle Point Rd)
Baltimore, MD 21219)
) Case No.:
 Plaintiff,)
)
 v.)
)
 SALLY JONES)
 7800 Smith Rd)
 Dundalk, MD 21222)
)
 Defendant.)
)

COMPLAINT FOR PARTITION BY SALE

Plaintiff, Jane R. Doe, by counsel, files this Complaint for Partition by Sale under Md. Code Ann., Real Prop. §§ 14-701 et seq. and states as follows:

Parties & Venue

1. Plaintiff Jane R. Doe ("Plaintiff") is a resident of Baltimore County, Maryland.
2. Defendant Sally Jones ("Defendant") is a resident of Baltimore County, Maryland and the daughter Plaintiff.
3. Venue is appropriate because this Partition by Sale action involves real property located in Baltimore County.

Subject Property

4. Plaintiff is seeking sale by partition of certain real property commonly known as 2700 EAGLE POINT ROAD, BALTIMORE, MD

21219 (Tax ID # 13-12-03200134), and more particularly described as:

Beginning for the same at the beginning of a parcel of land which by Deed dated December 11, 1901 and recorded in the Land Records of Baltimore County at Liber N.B.M. No. 258, Folio 164 was conveyed to Annie M. Hatten, and running thence and binding on a part of the first line of said parcel of land and binding in a bed of Eagle Point Rd S 35° 31' W 56.51 feet, thence leaving said Road and outline and running for a line of division S 58° 30' E 170.45 feet to the end of the second line of a parcel of land by which deed dated September 3, 1929 and recorded among the Land Records of Baltimore County at Liber L.McL.M. No. 831, Folio 380 was conveyed to James Swisher and wife, thence binding reversely to said second line S 56° 19' E 50.70 feet to a point in the third line of the first herein mentioned parcel of land, the following courses and distances, viz.: N 43° E 50.70 feet and N 56° 19' W 227.42 feet to the place of beggining.

(the "Eagle Road Property")

Facts

5. Plaintiff owns a 2/3 fractional interest in the Eagle Road Property and Defendant owns a 1/3 fractional interest as tenants in common. The ownership interests of both Plaintiff and Defendant are evidenced by a Deed dated February 8, 2016 and recorded at Book 37086, Page 70 (the "2016 Deed"). A copy of the 2016 Deed is attached as Exhibit 1.

6. In 2014, the Eagle Road Property was conveyed to Plaintiff individually as a gift from her mother, Joan M Smith. Two years later, in 2016, Plaintiff "added" her husband and Defendant to title by transferring the Eagle Road Property from

herself (individually) to herself, her husband, and Defendant jointly.

7. The 2016 Deed conveys the Eagle Road Property from Plaintiff (individually) to 3 parties: (i) Plaintiff, (ii) William B. Doe (Plaintiff's now deceased husband), and (iii) Defendant. The language of the 2016 Deed attempts to create a joint tenancy, but a joint tenancy could not be created because the 4 unities of title were not present. Plaintiff received her ownership interest 2 years before the 2016 Deed, therefore, the unity of time requirement for a joint tenancy did not exist. As a result, the 2016 Deed conveyed the Eagle Road Property to Plaintiff, William B. Doe, and Defendant as tenants in common each with a 1/3 fractional interest.

8. William B. Doe was Plaintiff's husband. Mr. Doe died on November 9, 2021. At the time of his death, Mr. Doe did not have a will. Therefore, under Maryland law Mr. Doe's 1/3 fractional interest in the Eagle Road Property was inherited by Plaintiff as his surviving spouse.

9. Plaintiff and Defendant are the only co-tenants and there are no other parties that have an interest in the Eagle Road Property. This is evidenced by 60 year title examination report attached as Exhibit 2.

10. Plaintiff has paid 100% of the property taxes and insurance for the Eagle Road Property without any contribution or

reimbursement from Defendant. Plaintiff has also paid for 100% of the maintenance, upkeep, and improvement costs related to the Eagle Road Property without any contribution from Defendant. Defendant received her interest as a gift and has never paid or contributed any money towards the taxes, insurance, or maintenance expenses of the Eagle Road Property.

11. Plaintiff is now seeking to sell the Eagle Road Property and relocate. Defendant has refused to cooperate with any sale.

COUNT I
(Sale By Partition)

12. The facts and allegations in the foregoing paragraphs are incorporated into this count as if fully set forth.

13. As a co-tenant with a 2/3 fractional interest, Plaintiff is entitled to seek partition of the Eagle Road Property under Md. Code Ann., Real Prop. § 14-702.

14. Partition in kind would be impracticable and result in prejudice to cotenants because of the nature of the subject real property.

15. Plaintiff is, therefore, seeking partition by sale with an open market sale and equitable distribution of the sale proceeds.

WHEREFORE, Plaintiff requests an Order for a Partition by Sale of the Eagle Road Property.

COUNT II
(Co-Tenant Contribution Credit)

16. The facts and allegations in the foregoing paragraphs are incorporated into this count as if fully set forth herein.

17. Plaintiff pay for 100% of the property taxes, insurance, and other expenses necessary to maintain the Eagle Road Property and protect the interests of Defendant.

18. Defendant did not make any contribution to these expenses or otherwise reimburse Plaintiff.

19. Under the doctrine of co-tenant contribution, Plaintiff is entitled to receive a credit for these expenses in the amount of \$150,000, to be applied during the distribution of any sale proceeds.

WHEREFORE, Plaintiff requests an Order granting her a credit in the amount of \$150,000 for her co-tenant contribution claim, to be applied to the distribution of any sale proceeds.

/s/ Brien M. Penn
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