**CAUSE NO. \_\_\_\_\_\_\_\_\_**

**IN RE: § IN THE DISTRICT COURT**

 **§**

**PARTITION OF THE § \_\_\_ JUDICIAL DISTRICT**

**§**

**[big county] RANCH § [cowboy] COUNTY, TEXAS**

**PETITION FOR PARTITION OF REAL ESTATE**

TO THE HONORABLE JUDGE OF SAID COURT:

 [big county ranch], LLC, Petitioner in the above numbered and styled cause, brings this Petition pursuant to the provisions of Chapter 23 of the Texas Property Code (to partition real property) and the provisions of Section 4, Rules 756 through 778, of the Texas Rules of Civil Procedure (partition of real estate), and for cause of action would respectfully show the Court as follows:

 **Discovery Level**

1. Plaintiff intends to conduct discovery in this cause under a Level 3 Discovery Plan, Texas Rules of Civil Procedure 190.4.

**Jurisdiction and Venue**

1. This Court has venue of this cause pursuant to the provisions of Section 23.002(a) of the Texas Property Code and Section 15.011 of the Texas Civil Practice and Remedies Code.

**Parties and Service**

1. [big county ranch], LLC (“Petitioner”) is a Texas limited liability company.
2. [respondent1] (“Brother”) is an individual residing in Bexar County, Texas, and can be served at his residence located at [respondent 1 address].
3. [respondent 2] (“Sister”) is an individual residing in Bexar County, Texas, and can be served at her residence located at [respondent 2 address].

**Conditions Precedent**

1. All conditions precedent to the making of the claim contained herein and the prosecution of this lawsuit have been performed or have been fulfilled in accordance with Tex. R. Civ. P. 54.

**Partition**

 7. The parties are joint owners in varying percentages specified below of the real property comprising the surface estate of the [big county ranch] (“Ranch”) in [cowboy] County, Texas:

|  |  |
| --- | --- |
| ***Individual / Entity*** | ***Interest*** |
| [big county ranch], LLC | 51.00% |
| [Brother] | 24.50% |
| [Sister] | 24.50% |
|  | **100%** |

 8. [big county ranch], LLC is controlled by its managers, [Brother]. [Sister] is [Brother]’s Sister.

9. The Ranch is more particularly described on the attached **Exhibit 1**.

10. Despite many attempts by Petitioner to reach an agreement with Sister regarding the partition of the Ranch and other properties owned by the family, none has been reached, which has left Petitioner no other option than filing this petition.

 11. Petitioner seeks an equitable partition of the Ranch in keeping with the varying percentages of ownership.

 12. The Ranch is susceptible of being partitioned in kind and requests this Court to appoint three (3) competent and disinterested persons as commissioners to make such partition.

**Prayer for Relief**

 Plaintiff requests that the Court enter a Decree as follows:

 a. Determining the share of each of the joint owners of the property sought to be partitioned;

 b. Determining that such property is susceptible to partition and directing partition in accordance with the respective shares of the parties;

 c. Appointing three competent and disinterested persons as commissioners to make such partition in accordance with the Decree and the law, subject to confirmation by the Court on notice to all parties;

 d. Directing the issuance of a Writ of Partition; and

 e. Awarding recovery of costs, interests, and such other relief to which the Plaintiff may be justly entitled.

 Respectfully submitted,

 [signature block]

 ATTORNEYS FOR [big county ranch], LLC