

381.136 Life tenants and their descendants -- Partition.

- (1) Where the land is held under a deed or will vesting a life estate in two (2) or more persons or in trust for their benefit, with remainder as to the share of each to his or her children or descendants, it shall be lawful for a court of equity, on the petition of one (1) of such life tenants and his or her children or descendants who would then be entitled to such remainder, all persons having interests in such lands being made parties, to partition such land so as to set apart to such life tenants and children or descendants so much of said land to which they shall be entitled in severalty; and to that alone shall attach the title or interest of after-born children or descendants in whom, by the terms of said deed or will, such a remainder would vest.
- (2) Where part of the land so held shall be situated in this state and part in another state, the court may, in making partition, take into consideration the value of all of said land, and set apart to those resident in this state land in this state equal to their full share of all said land, securing, by proper deeds and orders to the nonresidents, release of the interest of such residents in the lands in the other state or territory.

Effective: July 1, 1953

History: Transferred 1952 Ky. Acts ch. 84, sec. 1, effective July 1, 1953, from C.C. sec. 499a. -- Created 1886 Ky. Acts ch. 1171, secs. 1 and 2.