

DISTRICT OF COLUMBIA COURT OF APPEALS

Willa V. Ford v. Frederick L. Ford, et al.; Todd & Sheppard Partners
LLC, Intervenor

98 A.3d 1008 (D.C. 2014) · No. 13-CV-1182 · Decided September 4, 2014

SUMMARY

The District of Columbia Court of Appeals affirmed an order granting partition of a jointly owned property but reversed the distribution of sale proceeds. The court held that the evidence was insufficient to establish that all five siblings owned the property because a tax form and will did not establish title in the manner a deed would. The case was remanded for a redetermination of ownership and distribution, and the court upheld the trial court's extension of time for service.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Nebeker, Senior Judge; Beckwith, Associate Judge; Easterly, Associate Judge
JURISDICTION	District of Columbia
DECIDED	September 4, 2014
DOCKET	13-CV-1182
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Willa V. Ford appealed a Superior Court order granting a partition sale of real property and directing equal distribution of the proceeds among five siblings. She challenged both the partition order and the determination that all five siblings owned the property, and also argued that the action should have been dismissed for inadequate service of process.
STANDARD OF REVIEW	The court reviewed whether the record contained sufficient evidence to support the trial court's determination of ownership and reviewed the service-of-process ruling under the applicable Superior Court rules.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Willa V. Ford v. Frederick L. Ford, Robert A. Ford, Ernest B. Ford

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QUESTIONS PRESENTED

1. Whether the trial court properly ordered partition when Willa Ford was not the sole owner of the property.
2. Whether the record sufficiently established that all five siblings owned the property and were entitled to equal shares of the partition-sale proceeds.
3. Whether the action should have been dismissed under Superior Court Rule 4(m) because service was not proved within 60 days of filing the complaint.

HOLDINGS

1. The trial court did not err in ordering partition because Willa Ford conceded that Frederick Ford was also named on the deed, establishing that she was not the sole owner of the property.
2. The evidence was insufficient to establish that all five siblings owned the property; the order distributing the sale proceeds equally among them was reversed and remanded for a redetermination of ownership.
3. Dismissal was not required because the trial court properly extended the Rule 4(m) period for service through its April 19 and May 25 orders.

KEY QUOTATIONS

“The trial court’s finding that all five siblings owned the property, however, was not supported by sufficient evidence in the record.”

“But the tax form is merely a tax return and, unlike a deed, it does not operate to grant or transfer title to land.”

“Although failure to prove service within 60 days typically results in automatic dismissal of the case under Rule 4 (m), the trial court “shall” extend the 60-day time period if warranted by the circumstances”

FACTUAL BACKGROUND

The dispute concerned property located at 1801 Massachusetts Avenue, Southeast. A 2002 deed showed that the mother added Frederick Ford to the deed to establish joint ownership before her death, and a 2007 deed showed that Frederick later added Willa Ford, but no other sibling, as a joint owner. The trial court nevertheless relied on a 2007 property-tax form and the mother's 1998 will to conclude that all five siblings owned the property and were entitled to equal shares of the sale proceeds.

PROCEDURAL HISTORY

The plaintiffs filed a partition complaint in the Superior Court of the District of Columbia. After service issues were addressed and the court extended the time for service, the court entered default against Willa Ford when she failed to respond timely, held an ex parte proof hearing, ordered a partition sale, and directed that the proceeds be distributed equally among the five siblings. The Court of Appeals affirmed the partition order but reversed the distribution order and remanded for a redetermination of ownership.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for a redetermination of who owns the property and, consequently, how the partition-sale proceeds should be distributed. The partition-sale order itself remains affirmed.

CASES CITED

- Arthur v. District of Columbia, 857 A.2d 473, 487 (D.C. 2004)
- Carter v. Carter, 516 A.2d 917, 921 (D.C. 1986)
- Gallimore v. Washington, 666 A.2d 1200, 1203-04 (D.C. 1995)

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