

VERMONT SUPERIOR COURT, CIVIL DIVISION, CHITTENDEN UNIT

Newbold v. Donaldson

Newbold v. Donaldson · No. 25-CV-03936 · Decided February 25, 2026

SUMMARY

The Vermont Superior Court grants Maisie Newbold’s motion for default judgment in a partition action involving jointly owned residential property. The court authorizes Newbold to place the property on the market after 45 days, subject to proving that the sale price reflects fair market value and that the sale was commercially reasonable. The court denies without prejudice her additional requests for authority to sign documents on Donaldson’s behalf, possession, and fees and costs.

CASE DETAILS

COURT	Vermont Superior Court, Civil Division, Chittenden Unit
WRITING FOR THE COURT	Colin Owyang
JURISDICTION	Vermont Superior Court, Chittenden Unit
DECIDED	February 25, 2026
DOCKET	25-CV-03936
DISPOSITION	other
PROCEDURAL POSTURE	Newbold filed a partition complaint and moved for default judgment after Donaldson was served but failed to appear, answer, or respond. The court considered Newbold's affidavit and supporting documentation and granted the motion in part.
STANDARD OF REVIEW	The court made factual findings by a preponderance of the credible evidence. No separate appellate standard of review was stated.
PRECEDENTIAL VALUE	unknown
PARTIES	Maisie Newbold v. Isaiah Donaldson

TOPICS

- default judgment
- default
- partition
- real estate
- civil procedure

PRACTICE AREAS

- civil procedure
- real estate
- remedies

QUESTIONS PRESENTED

1. Whether a joint owner who has established that jointly owned residential property cannot be divided may obtain partition.
2. Whether, in the absence of an assignment to one co-owner and after the defendant's default, the court may waive commissioners and authorize an open-market sale of the property.
3. Whether Newbold was entitled at this stage to authority to execute sale documents for Donaldson, possession of the property, and attorney fees and costs.

HOLDINGS

1. A joint owner is entitled to seek partition, and partition is appropriate where the owner does not wish to remain a co-owner and the property cannot be divided between the co-owners.
2. Partition in kind is preferred, assignment to one co-owner is next preferred, and sale is authorized when the property cannot be divided and no party will take an assignment.
3. In a defaulted partition action, the court may waive the use of commissioners and authorize the property to be placed on the open market for sale when that procedure is reasonable under the circumstances.
4. Newbold was not entitled at this stage to authority to sign sale documents for Donaldson, possession of the property, or an award of fees and costs; those requests were denied without prejudice.

KEY QUOTATIONS

“[P]artition ‘is based upon the principle that no one can be compelled to hold property with another, and it is available to anyone who does hold property in common with another.’” (Discussion)

““[P]artition in kind is preferable to assignment, and assignment is preferable to sale.”” (Discussion)

““If no party will take an assignment, the court may order the property to be sold.”” (Discussion)

FACTUAL BACKGROUND

Newbold and Donaldson purchased a single-family residence in Winooski in May 2018 as joint tenants with rights of survivorship. The property cannot reasonably be divided, and Newbold no longer wishes to own it. Newbold attempted to reach an agreement under which Donaldson would acquire the property and compensate her or the property would be sold, but the parties did not agree. Donaldson was served with the partition complaint and did not appear or respond.

PROCEDURAL HISTORY

Newbold commenced a partition action on September 10, 2025, concerning jointly owned residential property. Donaldson was served in September 2025 but did not participate in the action. Newbold moved for default judgment and requested authority to sell the property; the court granted permission to market the property after a 45-day period but denied her additional requests without prejudice.

DISPOSITION

other

CASES CITED

- Bruner v. Gee, 2023 VT 49, ¶ 16, 218 Vt. 397
- Wynkoop v. Stratthaus, 2016 VT 5, ¶ 19, 201 Vt. 158
- Wilk v. Wilk, 173 Vt. 343, 347 (2002)
- Wilk v. Wilk, 173 Vt. 343, 344 (2002)
- Whippie v. O'Connor, 2010 VT 32, ¶ 18, 187 Vt. 523, 535
- Snide v. Burke-Schoff, No. 734-11-12 Wrcv, 2014 WL 10321329, at *3 (Vt. Super. Ct. Sept. 4, 2014)

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