

ENTERED  
BOONE CIRCUIT/DISTRICT COURT  
JUL 16 2008  
DIANNE MURRAY, CLERK  
BY *DM* DO

**BOONE CIRCUIT COURT  
54<sup>th</sup> JUDICIAL CIRCUIT**

**Case No. 05-CI-436**

**MILDRED ABBOTT, et al.**

**PLAINTIFFS**

**V. ORDER DENYING PLAINTIFFS' MOTION FOR  
PARTITION OF ASSETS HELD AS TENANTS IN COMMON**

**STANLEY M. CHESLEY, et al.**

**DEFENDANTS**

\* \* \* \* \*

The Plaintiffs filed "Plaintiffs' Motion for Partition of Assets Held As Tenants in Common," which sought an Order of Partition of assets owned in undivided interests by the Judgment Debtors' wholly owned company, Tandy, LLC d/b/a Midnight Cry Stables ("Tandy"). In essence the Motion was for an Order of sale of Curlin, a thoroughbred horse owned 80% by the Intervening Party, Stonestreet Stables, LLC ("Stonestreet"), and 20% by Tandy. Stonestreet filed a Memorandum in Opposition to Plaintiffs' Motion and the Court held a hearing on the Motion on July 10, 2008, which was attended by counsel for the Plaintiffs, counsel for Stonestreet, counsel for Tandy, counsel for Defendants Gallion and Cunningham, and counsel for the Interim Receiver appointed by the Court.

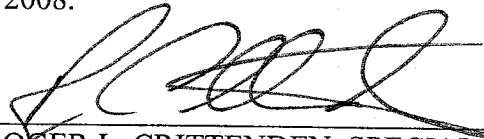
Upon consideration of the Motion, Stonestreet's Memorandum opposing the Motion, and having heard arguments of counsel, including counsel for Tandy, and the Court being duly and sufficiently advised,

IT IS ORDERED that the Motion is denied in all respects;

IT IS FURTHER ORDERED that the Motion is denied for the reasons that the Plaintiffs do not have standing to bring the Motion under KRS 381.120 and other applicable law as they are not joint owners of the property for which they are seeking

partition. Additionally, the Plaintiffs have failed to meet the burden necessary to entitlement for such relief.

So ORDERED this 14<sup>th</sup> day of July, 2008.

  
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ROGER L. CRITTENDEN, SPECIAL  
JUDGE, BOONE CIRCUIT COURT

DISTRIBUTION:

All Counsel of Record

**CERTIFICATE**

I, DIANNE MURRAY, clerk of the Boone District/Circuit Court, hereby certify that I have mailed a copy of the foregoing order and notice to all parties hereto at their last known addresses or their counsel of record

This 16 day of July, 2008

DIANNE MURRAY  
BOONE DISTRICT/CIRCUIT COURT

  
\_\_\_\_\_  
D.C.