558.13 OCCUPANT LIABLE TO COTENANTS; TRESPASS.

When the whole or a specific part of the premises is thus assigned, the person entitled for the time being to the exclusive occupancy shall be liable to the cotenants for any injury thereto occasioned by that person's misconduct, as a tenant for years under a common lease without express covenants would be liable to the landlord; and the other tenants in common may have their remedy therefor against the person entitled to exclusive occupancy by action, jointly or severally, at their election. While the estate is in the exclusive occupancy of such cotenant, that cotenant shall have the same remedy against one who trespasses upon or otherwise injures the premises as if the cotenant held the same under a lease for the term for which they were so assigned, and the cotenant and all the other tenants in common may recover such other and further damages as they have sustained by the same trespass or injury in like manner as if the premises had been leased by them. Joint damages recovered by such tenants in common shall be apportioned and divided between them according to their respective rights by the court in which the judgment is recovered.

History: *(9536) RL s 4404; 1986 c 444*