
HOUSE COMMITTEE AMENDMENTS

2021 Regular Session

Amendments proposed by House Committee on Civil Law and Procedure to Original House Bill No. 521 by Representative Seabaugh

1 AMENDMENT NO. 1

2 On page 1, delete lines 2 and 3 in their entirety and insert the following:

3 "To amend and reenact Code of Civil Procedure Article 4622 and to enact
4 Code of Civil Procedure Articles 4607.1 and 4607.2, relative to property;"

5 AMENDMENT NO. 2

6 On page 1, line 5, after "co-owners;" delete the remainder of the line and at the beginning
7 of line 6 delete "publication; to provide for petitions, trials," and insert "to provide for
8 proceedings"

9 AMENDMENT NO. 3

10 On page 1, line 7, after "sale;" and before "to provide for an effective" delete "to provide for
11 the appointment of an attorney;"

12 AMENDMENT NO. 4

13 On page 1, delete lines 10 through 18 in their entirety and delete page 2, delete lines 1
14 through 18 in their entirety and insert the following:

15 "Section 1. Code of Civil Procedure Article 4622 is hereby amended
16 and reenacted and Code of Civil Procedure Articles 4607.1 and 4607.2 are
17 hereby enacted to read as follows:

18 Art. 4607.1. Trial; judgment ordering sale

19 A. If any co-owner objects to the partition to be made at private sale
20 for less than the appraised value of the property, the court shall allow the
21 petitioner to amend its petition to plead for a sale for not less than appraised
22 value. If the petitioning co-owner amends its petition, then the court shall
23 order partition by private sale in accordance with the amended petition.
24 Otherwise, the court may either grant the original petition or order partition
25 by licitation.

26 B. If more than one co-owner petitions the court for partition, such
27 matters shall be consolidated into one proceeding. The court shall consider
28 the petitions giving preference first to the sale to an existing co-owner, then
29 the highest price, and then to other terms and conditions of the sale. The
30 court shall consider the best interests of non-consenting co-owners. The
31 court may grant any petition for private sale or may order partition by
32 licitation.

33 C. A judgment ordering partition by private sale shall do all of the
34 following:

35 (1) Determine each co-owner's share of the proceeds of the sale.

36 (2) Direct a person, who may be a co-owner, to execute an act of
37 sale, with or without warranty, in favor of an identified purchaser or a

1 juridical person solely owned by the identified purchaser, and all other
2 documents customarily executed in connection with a sale of immovable
3 property without the necessity to specifically identify such other documents.

4 Article 4607.2. Judgment ordering reimbursement or payment of amounts
5 due co-owner and payment and allocation of costs of private sale out
6 of proceeds of sale

7 A. A judgment ordering the private sale of property to effect a
8 partition under the provisions of this Chapter shall order, out of the proceeds
9 of such sale, all of the following:

10 (1) The reimbursement to a co-owner of the amount proven to be due
11 the co-owner for the payment of taxes on the property and the expenses of
12 preservation of the property.

13 (2) The payment to a co-owner of the amount proven to be due the
14 co-owner by another co-owner who has received and retained the fruits and
15 revenues of the property.

16 (3)(a) The payment of reasonable costs related to the sale, including
17 real estate commissions, brokerage fees, appraisal costs, payments associated
18 with the release of encumbrances and other customary closing costs, and the
19 allocation of such costs to one or more co-owners.

20 (b) The court in rendering judgment shall consider whether the costs
21 associated with the sale will be paid to any person related to the co-owners
22 within the fourth degree or a juridical entity in which the co-owner has a
23 direct or indirect financial interest.

24 (4) The payment of the remainder of the proceeds to each co-owner
25 in the proportion determined pursuant to Article 4607.1(C)(1).

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27 AMENDMENT NO. 5

28 On page 2, line 28, after "any co-owner" and before the comma "," insert "within the fourth
29 degree or is a juridical entity in which any co-owner has a direct or indirect financial
30 interest"

31 AMENDMENT NO. 6

32 On page 3, delete lines 3 through 30 in their entirety and delete page 4 in its entirety and on
33 page 5, delete lines 1 through 24 in their entirety.

34 AMENDMENT NO. 7

35 On page 5, at the beginning of line 25, change "Section 3" to "Section 2"