

---

**SENATE COMMITTEE AMENDMENTS**

2021 Regular Session

Amendments proposed by Senate Committee on Judiciary A to Engrossed House Bill No. 521 by Representative Seabaugh

---

1 AMENDMENT NO. 1

2 On page 1, line 2, after "Procedure" and before "4622" change "Article" to "Articles 4607,"

3 AMENDMENT NO. 2

4 On page 1, line 2, after "4622" insert a comma "," and insert "4624, and 4625"

5 AMENDMENT NO. 3

6 On page 1, line 8, after "Procedure" and before "4622" change "Article" to "Articles 4607,"

7 AMENDMENT NO. 4

8 On page 1, line 8, after "4622" inset a comma "," and insert "4624, and 4625"

9 AMENDMENT NO. 5

10 On page 1, between lines 10 and 11, insert the following:

11 "Art. 4607. Partition by licitation or by private sale

12 A. When a partition is to be made by licitation, the sale shall be conducted at  
13 public auction and after the advertisements required for judicial sales under  
14 execution.

15 B. All counsel of record, including curators appointed to represent absentee  
16 defendants, and persons appearing in proper person shall be given notice of the  
17 sale date.

18 C. When a partition is to be made at private sale without the consent of all co-  
19 owners, the sale shall comply with all of the following:

20 (1) The sale shall be for not less than two-thirds of the appraised value of the  
21 property and shall be made by a court appointed representative, who may be a co-  
22 owner, after the advertisements required for judicial sales under execution are  
23 made. All counsel of record, including curators appointed to represent absentee  
24 defendants, and persons appearing in proper person shall be given notice of the  
25 sale date.

26 (2) The sale shall be made after advertisements required for judicial sales under  
27 execution are made.

28 (3) The sale shall be on the terms and conditions contained in the petition granted  
29 by the court.

30 (4) The sale shall be effected by a court-appointed representative, who may be a  
31 co-owner, by executing an act of sale before a notary public of this state.

32 D. At any time prior to the sale, the parties may agree upon a nonjudicial  
33 partition.

34 E. Nothing in this Article shall authorize partition by private auction."

35 AMENDMENT NO. 6

36 On page 1, line 16, after the period "." delete the remainder of the line and delete line 17  
37 in its entirety

1 AMENDMENT NO. 7

2 On page 2, line 2, after the period "." and before "The" insert the following:

3 "Each petitioner shall supplement its petition to include all of the  
4 following, if not included in the original petition:

5 (1) The name of the purchaser.

6 (2) All terms of the sale.

7 (3) Whether mineral interests will be transferred, reserved without  
8 any right to use the surface of the property, or reserved with rights to use  
9 the surface of the property.

10 (4) The source funds to be used to pay the purchase price.

11 (5) Whether any costs associated with the sale will be paid to any  
12 person related to the petitioning co-owners within the fourthdegree or a  
13 juridical person in which the co-owner has a direct or indirect financial  
14 interest."

15 AMENDMENT NO. 8

16 On page 2, at the end of line 3, delete "and"

17 AMENDMENT NO. 9

18 On page 2, line 4, after "sale" and before the period "." insert a comma "," and insert "and  
19 then to the first to petition the court for partition"

20 AMENDMENT NO. 10

21 On page 2, line 5, after "of" and before "co-owners" delete "non-consenting"

22 AMENDMENT NO. 11

23 On page 2, line 5, after the period "." delete the remainder of the line and delete line 6 in  
24 its entirety

25 AMENDMENT NO. 12

26 On page 2, at the end of line 10, delete "an identified purchaser" and insert "one or more  
27 identified purchasers"

28 AMENDMENT NO. 13

29 On page 2, line 11, after "a" and before "solely" delete "a juridical person" and insert  
30 "one or more juridical persons"

31 AMENDMENT NO. 14

32 On page 2, line 11, after "by" and before "the" insert "any of"

33 AMENDMENT NO. 15

34 On page 3, between lines 21 and 22 insert the following:

35 "Art. 4624. Publication of notice

1 Notice of the institution of the proceeding shall be published at  
 2 least once in the parish where the partition proceeding is instituted, in the  
 3 manner provided by law. This notice shall set forth the title and docket  
 4 number of the proceeding, the name and address of the court, a description  
 5 of the property sought to be partitioned, and the primary terms of the  
 6 private sale and shall notify the absent defendant that the plaintiff is  
 7 seeking to have the property partitioned by licitation or by private sale,  
 8 and that the absent defendant has fifteen days from the date of the  
 9 publication of notice, or of the initial publication of notice if there is more  
 10 than one publication, to answer the plaintiff's petition.

11 Art. 4625. Trial; judgment ordering sale

12 A. Except as otherwise provided in Article 4630, if the petitioner  
 13 proves on the trial of the proceeding that he is a co-owner of the property  
 14 and entitled to the partition thereof and that the defendant is an absentee  
 15 who owns an interest therein, the court shall render judgment ordering  
 16 either the public sale of the property for cash by the sheriff to effect a  
 17 partition, after the advertisement required by law for a sale under  
 18 execution or the private sale of the property for cash by the court-  
 19 appointed representative to effect a partition, after the advertisement  
 20 required by law for a sale under execution.

21 B. The judgment shall determine ~~the absentee's~~ each co-owner's  
 22 ~~share in the proceeds of the sale of the property;~~ and shall award a  
 23 reasonable fee to the attorney appointed to represent ~~him~~ each absentee to  
 24 be paid from ~~the~~ such absentee's share of the proceeds of the sale."