

2025 Regular Session

HOUSE BILL NO. 175

BY REPRESENTATIVE WILFORD CARTER

(On Recommendation of the Louisiana State Law Institute)

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PROPERTY: Provides for the partition of property

1 AN ACT

2 To amend and reenact Civil Code Article 811 and Chapter 12 of Title I of Book III of the
3 Civil Code, comprised of Civil Code Articles 1289 through 1414, and Code of Civil
4 Procedure Articles 81, 4622(B)(1)(b), and 4624, to enact Part V of Chapter 1 of Code
5 Title I of Code Book II of Title 9 of the Louisiana Revised Statutes of 1950, to be
6 comprised of R.S. 9:1150 through 1150.8, and to repeal Civil Code Articles 1290,
7 1291, 1295 through 1297, 1299 through 1301, 1305, 1306, 1308, 1310 through 1315,
8 1318 through 1321, 1329 through 1337, 1341 through 1367, 1370 through 1373,
9 1378, 1379, 1382, 1385 through 1396, 1399, and 1402 through 1414 and R.S.
10 9:1113, relative to the partition of property; to provide for partition by licitation; to
11 provide for partition by private sale; to provide for the partition of estates; to provide
12 for undivided co-ownership rights until the partition of estates; to provide for
13 petitions for partition; to provide for the publication of notice for partition; to provide
14 for the Louisiana Uniform Partition of Heirs Property Act; to provide for the repeal
15 of antiquated partition of succession articles in the Civil Code; to provide for a
16 special effective date; and to provide for related matters.

17 Be it enacted by the Legislature of Louisiana:

18 Section 1. Civil Code Article 811 is hereby amended and reenacted to read as
19 follows:

20 Art. 811. Partition by licitation or by private sale

1 ~~A.~~ When the thing held in indivision is not susceptible to partition in kind,
2 the court shall decree a partition by licitation or, ~~as provided in Paragraph B of this~~
3 ~~Article,~~ by private sale and the proceeds shall be distributed to the co-owners in
4 proportion to their shares.

5 ~~B. In the event that one or more of the co-owners are absentees or have not~~
6 ~~consented to a partition by private sale, the court shall order a partition by private~~
7 ~~sale and shall give first priority to the private sale between the existing co-owners,~~
8 ~~over the sale by partition by licitation or private sale to third parties. The court shall~~
9 ~~order the partition by private sale between the existing co-owners as identified in the~~
10 ~~conveyance records as of the date of filing for the petition for partition by private~~
11 ~~sale. The petition for partition by private sale shall be granted first priority, and the~~
12 ~~sale shall be executed under Title IX of Book VII of the Code of Civil Procedure.~~

13 Section 2. Chapter 12 of Title I of Book III of the Civil Code, comprised of Civil
14 Code Articles 1289 through 1414, is hereby amended and reenacted to read as follows:

15 CHAPTER 12. OF THE PARTITION OF ~~SUCCESSIONS~~ ESTATES

16 SECTION 1. OF THE NATURE OF PARTITION;

17 AND OF ITS SEVERAL KINDS

18 Art. 1292. Undivided ownership rights until partition:

19 When a person, at his decease, leaves several the decedent's estate devolves
20 in favor of multiple heirs, each of them becomes an undivided proprietor co-owner
21 of the effects of the succession, for the part or portion coming to him, which forms
22 among the heirs a community of property, as long as it remains undivided estate for
23 each co-owner's respective share.

24 Revision Comments - 2025

25 This provision is new. It does not change the law. It expresses the principle
26 underlying Article 1292 (1870). The term "estate" is defined in Article 872 as "the
27 property, rights, and obligations that a person leaves after his death."

28 Art. 1293. ~~Partition of a succession, definition.~~ Intestate partition; definition

1 This provision is new. It does not change the law. It expresses the principle
2 underlying Article 1307 (1870). It is also consistent with Article 807.

3 Art. 1309. Partition between ~~possessors in common~~; holders of real rights

4 ~~It is not indispensable to be owner in common in order to be able to support~~
5 ~~the action of partition; possession alone, when it is lawful and proceeds from a just~~
6 ~~title, will support it.~~

7 Holders of real rights in indivision may demand partition of those rights.

8 Thus, ~~usufructuaries~~ co-usufructuaries of the same ~~estate can~~ property may institute
9 among themselves ~~the~~ an action of partition.

10 Revision Comments - 2025

11 This provision is new. It does not change the law. It expresses the principle
12 underlying Article 1309 (1870). It is also consistent with Articles 541 and 542.
13 Despite the existence of holders of real rights in indivision, a person holding a share
14 in full ownership cannot be required to dismember that interest by the holder of a
15 right that is less than full ownership. See, e.g., Article 543.

16 SECTION 3=~~;~~ ~~IN WHAT MANNER THE~~ OF JUDICIAL

17 PARTITION IS MADE

18 Art. 1325. Inventory ~~within one year of partition suit~~; detailed descriptive list

19 The public inventory, ~~which may have been made by the parties interested~~
20 ~~at a time not exceeding one year previous to the suit for a partition~~; or the detailed
21 descriptive list of the estate shall serve as the basis of the partition, unless ~~one of the~~
22 ~~heirs~~ an heir or legatee demands a ~~new appraisement~~; an appraisal and proves that
23 the ~~effects mentioned in the inventory have not been estimated at their just price, or~~
24 ~~at the value they have acquired since the date of this act~~ inventory or detailed
25 descriptive list is not accurate.

26 Revision Comments - 2025

27 This provision is new. It does not change the law. It expresses the principle
28 underlying Article 1325 (1870). For production of a detailed descriptive list, see
29 Code of Civil Procedure Article 2952.

30 Art. 1326. ~~New appraisement~~; Appraisal

31 ~~In this case the judge is bound to order a new appraisement of the effects to~~
32 ~~be divided, which shall be made by experts appointed by him to that effect, and duly~~

1 Section 3. Code of Civil Procedure Articles 81, 4622(B)(1)(b), and 4624 are hereby
2 amended and reenacted to read as follows:

3 Art. 81. Action involving succession

4 When a succession has been opened judicially, until rendition of the
5 judgment of possession, the following actions shall be brought in the court in which
6 the succession proceeding is pending:

7 (1) A personal action by a creditor of the deceased; but an action brought
8 against the deceased prior to ~~his~~ death may be prosecuted against ~~his~~ the succession
9 representative in the court in which it was brought;

10 (2) An action to partition the ~~succession;~~ estate.

11 (3) An action to annul the testament of the deceased; ~~and.~~

12 (4) An action to assert a right ~~to~~ in the succession of the deceased, either
13 under ~~his~~ the testament or by effect of law.

14 * * *

15 Art. 4622. Petition

16 * * *

17 B.(1) If the partition is to be made by private sale, the petition for partition
18 between the co-owners shall have first priority status by the court and shall include
19 all of the following:

20 * * *

21 (b) The name of the proposed purchaser and whether the proposed purchaser
22 is a co-owner or third party ~~in accordance with Civil Code Article 811(B).~~

23 * * *

24 Art. 4624. Publication of notice

25 Notice of the institution of the proceeding shall be published at least once in
26 the parish where the partition proceeding is instituted, in the manner provided by
27 law. This notice shall set forth the title and docket number of the proceeding, the
28 name and address of the court, a description of the property sought to be partitioned,
29 and the primary terms of the private sale and shall notify the absent defendant that

1 the plaintiff is seeking to have the property partitioned by licitation or by private sale
2 ~~under~~ in accordance with Civil Code Article 811, this Chapter, and Chapter 1 of this
3 Title, and that the absent defendant has fifteen days from the date of the publication
4 of notice, or of the initial publication of notice if there is more than one publication,
5 to answer the plaintiff's petition. If the property sought to be partitioned is a
6 corporeal immovable, the petitioner, contemporaneous with publication of notice,
7 shall also affix a copy of the notice in at least one prominent location on the
8 immovable.

9 Section 4. Part V of Chapter 1 of Code Title I of Code Book II of Title 9 of the
10 Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:1150 through 1150.8, is
11 hereby enacted to read as follows:

12 PART V. LOUISIANA UNIFORM PARTITION OF HEIRS PROPERTY ACT

13 §1150. Short title

14 This Part shall be known and may be cited as the "Louisiana Uniform
15 Partition of Heirs Property Act".

16 Revision Comments - 2025

17 It is the express goal of the Louisiana Uniform Partition of Heirs Property
18 Act to adopt the core components of the Uniform Partition of Heirs Property Act, as
19 modified to be compatible with other provisions of Louisiana law. The Act attempts
20 to address the problem "faced by many middle to low- income families who own
21 [immovable] property: dispossession of their land through a forced sale." See The
22 Uniform Partition of Heirs Property Act: A Summary. Although this Act employs
23 some of the same numeric thresholds of the Uniform Partition of Heirs Property Act,
24 the scope of applicability of this Act differs from the uniform act. See R.S. 9:1150.1.
25 §1150.1. Applicability

26 Unless otherwise agreed to in writing by all co-owners as of the time of
27 partition, the provisions of this Part shall be applicable whenever a petition to
28 partition a corporeal immovable is filed by a co-owner or co-owners owning an
29 aggregate interest of less than fifty percent of the immovable and either of the
30 following apply:

31 (1) Twenty percent or more of all co-owners are related within the eighth
32 degree, whether by consanguinity or by adoption.

1 A. If none of the co-owners exercises the option to purchase a pro rata share
2 of the petitioner's interest, the court shall order partition of the entire property
3 pursuant to R.S. 9:1150.6.

4 B. If one or more but not all of the co-owners have exercised the option to
5 purchase a pro rata share, then upon the expiration of the time to file the notice
6 required in R.S. 9:1150.3(C), any co-owner who has failed to timely exercise the
7 option to purchase relinquishes the right to purchase. The relinquishment of the right
8 to purchase shall inure to the benefit of the remaining purchasing co-owners. When
9 a potential purchasing co-owner relinquishes the right to purchase, the pro rata share
10 shall be recalculated among only the remaining purchasing co-owners, excluding the
11 relinquishing co-owners. Once a co-owner relinquishes the right to purchase a pro
12 rata share, that co-owner shall not be entitled to file any subsequent notice to
13 purchase in the pending action. The petitioner shall send written notice to the
14 remaining purchasing co-owners stating the recalculated pro rata share of the
15 remaining purchasing co-owners and informing them of the right to purchase their
16 recalculated pro rata shares by filing written notice into the record not later than
17 thirty days from the sending of the notice by the petitioner. The procedures provided
18 in this Subsection shall continue until there are no outstanding shares or no
19 purchasing co-owner exercises the option to purchase a pro rata share. The court may
20 use its discretion in rounding the shares of the co-owners to the nearest hundredth
21 share. If, after completion of the process in this Subsection, an unpurchased share in
22 the immovable remains, the court shall order the sale of only the unpurchased share
23 pursuant to R.S. 9:1150.7(B).

24 C. If all of the co-owners have exercised the option to purchase their pro rata
25 shares, or if at least one co-owner has exercised the option to purchase a pro rata
26 share and no outstanding shares of the petitioner's interest remain, the court shall set
27 a date, not sooner than sixty days after the sending of the last notice in accordance
28 with Subsection B of this Section or sixty days after the sending of the last notice
29 exercising the right to purchase in R.S. 9:1150.3(C), whichever is later, by which the

1 co-owners exercising the option to purchase their pro rata shares shall timely pay the
2 apportioned price into the registry of the court.

3 Revision Comments - 2025

4 (a) This Section is based upon former R.S. 9:1113(B) and Section 7 of the
5 Uniform Partition of Heirs Property Act. This Section specifies varying alternatives
6 when no co-owner exercises the right to purchase, when only some co-owners
7 exercise the right to purchase and outstanding shares remain, and when no
8 outstanding shares remain.

9 (b) Subsection A of this Section is applicable when no co-owner exercises the
10 right to purchase. In that case, the court proceeds to partition the entire property
11 pursuant to R.S. 9:1150.6. Subsection A also applies if no co-owner exercises the
12 right to purchase a recalculated pro rata share pursuant to Subsection B, despite an
13 initial expression of interest in purchasing a pro rata share.

14 (c) Subsection B of this Section applies if some co-owners exercise the right
15 to purchase but outstanding shares remain. In that case, a co-owner who fails to send
16 notice of the exercise of his right to purchase relinquishes that right, and the other
17 co-owners shall be notified of the recalculated share and their ability to purchase the
18 recalculated share. A second consequence of failing to exercise the right to purchase
19 is that the relinquishing co-owner is thereafter omitted from any future opportunities
20 to purchase other interests in the property. This Subsection also provides a method
21 (based upon former R.S. 9:1113(B)(3) and (4)) by which pro rata shares in the
22 property are calculated and recalculated after co-owners elect not to purchase
23 recalculated pro rata shares.

24 (d) Subsection C of this Section applies when all of the co-owners exercise
25 the right to purchase or at least one co-owner has elected to purchase the property
26 and no outstanding shares remain. In that case, the court shall set a date for the
27 payment of the apportioned price by the purchasing co-owners.

28 §1150.5. Payment of purchase price of pro rata share

29 A. If none of the co-owners exercising the option to purchase a pro rata share
30 timely pays the apportioned price into the registry of the court, the court shall order
31 partition of the entire immovable pursuant to R.S. 9:1150.6.

32 B.(1) If one or more but not all of the co-owners exercising the option to
33 purchase a pro rata share fail to timely pay the apportioned price into the registry of
34 the court, then upon the expiration of the time period in R.S. 9:1150.4(C), each
35 co-owner who has failed to timely pay the apportioned price into the registry of the
36 court relinquishes the right to purchase. The relinquishment of the right to purchase
37 shall inure to the benefit of the remaining purchasing co-owners, who shall then be
38 entitled to purchase, by pro rata share, the unpaid-for shares made available by each
39 co-owner who relinquished the right to purchase. When a potential purchasing

1 co-owner relinquishes the right to purchase, the pro rata share of the unpaid-for
2 shares shall be calculated among only the remaining purchasing co-owners,
3 excluding the relinquishing co-owners. Once a co-owner fails to timely pay the
4 apportioned price, that co-owner shall not be entitled to file any subsequent notice
5 to purchase in the pending action. The petitioner shall send to each co-owner who
6 paid the apportioned price written notice of all of the following:

7 (a) The right to purchase a portion of the unpaid-for share of the co-owner
8 who did not pay the apportioned price.

9 (b) The price to be paid by each remaining co-owner as determined by
10 multiplying the pro rata share of each co-owner as calculated pursuant to this
11 Paragraph by the price of the unpaid-for share.

12 (c) The date on which the price shall be timely paid into the registry of the
13 court, which shall be thirty days from the sending of the notice.

14 (2) The procedures provided in this Subsection shall continue until there are
15 no unpaid-for shares or no purchasing co-owner exercises the option to purchase a
16 pro rata share. The court may use its discretion in rounding the shares of the
17 co-owners to the nearest hundredth share. If, after completion of the process in this
18 Subsection, an unpurchased share in the immovable remains, the court shall order the
19 sale of only the unpurchased share pursuant to R.S. 9:1150.7(B). With regard to the
20 remainder of the immovable, the court shall issue an order transferring the remainder
21 of the petitioner's share in the immovable to the purchasing co-owners and disburse
22 the amounts received to the petitioner.

23 C. If all of the co-owners exercising the option to purchase their pro rata
24 shares, or at least one co-owner exercising the option to purchase a pro rata share,
25 timely pays the apportioned price into the registry of the court and no unpaid-for
26 shares of the petitioner's interest remain, the court shall issue an order transferring
27 the petitioner's share in the immovable to the purchasing co-owners and disburse the
28 amounts received to the petitioner.

29 Revision Comments - 2025

1 (a) This Section is based upon former R.S. 9:1113(B) and Section 7 of the
2 Uniform Partition of Heirs Property Act. This Section contemplates three distinct
3 situations: (i) when none of the co-owners exercising the right to purchase property
4 timely pays the apportioned price; (ii) when some but not all of the purchasing
5 co-owners timely pay their apportioned price; and (iii) when all co-owners exercising
6 the right to purchase property timely pay their apportioned price.
7

8 (b) Subsection A of this Section applies when no co-owner exercising the
9 right to purchase the property pays the apportioned price to the court. In such a case,
10 the entire property, not just the petitioner's share, is partitioned according to the
11 procedure specified in R.S. 9:1150.6.

12 (c) Subsection B of this Section applies if some but not all of the co-owners
13 exercising the right to purchase the property timely pay the apportioned price to the
14 court. In that case, a co-owner who fails to pay the apportioned price relinquishes
15 the right to purchase a pro rata share or any future shares in the property. This
16 Subsection also provides a method (based upon former R.S. 9:1113(B)(3) and (4))
17 by which pro rata shares in the property are calculated and recalculated after
18 co-owners either elect not to purchase additional shares or elect to purchase but fail
19 to timely pay the apportioned price to the court. Importantly, under this Subsection,
20 once a co-owner fails to pay the apportioned price, the co-owner is thereafter
21 removed from any future opportunities to purchase additional shares of the property.
22 Moreover, written notice must again be sent notifying the relevant parties of the right
23 to purchase additional property and the procedure for doing so. Notice under this
24 Subsection, however, is sent not to all co-owners, but only to those co-owners who
25 have exercised the right to purchase the property and who have actually paid the
26 apportioned price to the court. Finally, this Subsection also provides that if an
27 unpurchased share remains after the process provided for in this Subsection, the
28 unpurchased share shall be sold by an open-market sale, and the remaining interests
29 shall be reallocated to the co-owners and the funds disbursed to the petitioner.

30 (d) Subsection C of this Section applies if all co-owners exercising the right
31 to purchase pay the apportioned price into the registry of the court or at least one
32 co-owner exercising the option to purchase a pro rata share timely pays the
33 apportioned price into the registry of the court and no unpaid-for shares of the
34 petitioner's interest remain. In such a case, the court shall issue an order reallocating
35 the shares and distribute the amounts received to the petitioner.

36 §1150.6. Preference for partition in kind

37 A. When required by R.S. 9:1150.4(A) or 1150.5(A), the court shall order
38 partition in kind of the immovable unless the court finds that partition in kind will
39 result in manifest prejudice to the co-owners as a group.

40 B. In determining whether partition in kind may result in manifest prejudice
41 to the co-owners as a group, the court shall consider the totality of all of the
42 following factors and circumstances:

43 (1) Whether the immovable practicably can be divided among the co-owners.

44 (2) Whether partition in kind may apportion the immovable in such a way
45 that the aggregate value of all of the lots is significantly lower than the value of the

1 immovable in a state of indivision, taking into account the condition under which a
2 court-ordered sale likely would occur.

3 (3) Evidence of the collective duration of ownership or possession of the
4 immovable by a co-owner and one or more prior co-owners related by consanguinity
5 or adoption to an existing co-owner.

6 (4) A co-owner's sentimental attachment to the immovable, including any
7 attachment arising because the immovable has familial or other unique or special
8 value to the co-owner.

9 (5) The lawful use being made of the immovable by a co-owner and the
10 degree to which the co-owner may be harmed if the co-owner could not continue the
11 same use of the immovable.

12 (6) The degree to which the co-owners have contributed their pro rata share
13 of the immovable taxes, insurance, and other expenses associated with maintaining
14 ownership of the immovable or have contributed to the physical improvement,
15 maintenance, or upkeep of the immovable.

16 (7) Any other relevant factor.

17 C. If the court does not order partition in kind due to a finding of manifest
18 prejudice to the co-owners as a group, the court shall order the sale of the immovable
19 in accordance with R.S. 9:1150.7.

20 Revision Comments - 2025

21 (a) This Section is based upon Sections 8(a) and 9 of the Uniform Partition
22 of Heirs Property Act. It applies only when another provision of this Part orders a
23 partition in kind of the entire immovable. See, e.g., R.S. 9:1150.4(A) and 1150.5(A).
24 This Section does not apply in instances in which only a fractional interest in the
25 petitioner's share is left unpurchased. See, e.g., R.S. 9:1150.5(B)(2). In those cases,
26 a court shall order an open-market sale of the unpurchased share pursuant to R.S.
27 9:1150.7(B).

28 (b) Unlike other laws regarding partition, this Section requires a court to
29 consider a series of economic and noneconomic factors in assessing whether
30 partition in kind would result in "manifest prejudice to the co-owners as a group."
31 Traditional partition law favors partition in kind unless the thing to be partitioned is
32 "insusceptible to partition in kind," in which case partition by licitation or private
33 sale is conducted. See Civil Code Article 811.

34 §1150.7. Petitioner's right of purchase; alternatives to partition in kind

1 A. When the sale of the immovable is required by R.S. 9:1150.6(C), the
2 court shall allow the petitioner thirty days to purchase all of the other co-owners'
3 interests by paying into the registry of the court one hundred twenty-five percent of
4 the value of the other co-owners' interests as determined by multiplying the other
5 co-owners' fractional interests in the immovable by the fair market value of the
6 immovable. If the petitioner does so, the court shall issue an order transferring the
7 co-owners' shares in the immovable to the purchasing petitioner and disburse the
8 amount received to the co-owners in proportion to their interests and in the manner
9 provided in Code of Civil Procedure Article 4626.1.

10 B. If the petitioner declines to purchase the property pursuant to Subsection
11 A of this Section or if required by R.S. 9:1150.4(B) or 1150.5(B)(2), the court shall
12 order an open-market sale of the property unless the court finds that a sale by auction
13 would be more economically advantageous and in the best interest of the co-owners
14 as a group.

15 C. If the court orders an open-market sale and the parties agree on a
16 Louisiana licensed real estate broker to offer the property for sale, then the court
17 shall appoint the broker. If the parties do not agree, the court shall appoint an
18 independent, Louisiana licensed real estate broker to offer the property for sale on
19 the terms and conditions established by the court and at a price not lower than that
20 determined in accordance with R.S. 9:1150.2. The court shall establish reasonable
21 compensation to be paid to the broker.

22 D. If the broker obtains within a reasonable time an offer to purchase the
23 property for a price not lower than that determined in accordance with R.S. 9:1150.2,
24 then the court shall order a partition by private sale in accordance with Civil Code
25 Article 811 and Code of Civil Procedure Article 4607 et seq. If the broker does not
26 obtain within a reasonable time an offer to purchase the property for a price not
27 lower than that determined in accordance with R.S. 9:1150.2, then the court may do
28 any of the following:

29 (1) Approve the highest outstanding offer, if any.

Present law (C.C. Art. 1292) provides for the undivided ownership of the property of a succession.

Proposed law retains the principle and modernizes the language in present law.

Present law (C.C. Art. 1293) provides for the partition of an intestate succession.

Proposed law retains the principle and modernizes the language in present law.

Present law (C.C. Art. 1302) provides that there is no need for the partition of a testate succession when the testator has expressly allocated assets.

Proposed law retains the principle and modernizes the language in present law.

Present law (C.C. Art. 1307) provides for partition among heirs and legatees.

Proposed law retains the principle and modernizes the language in present law.

Present law (C.C. Art. 1309) provides for partition between possessors in common.

Proposed law retains the principle and modernizes the language in present law.

Present law (C.C. Art. 1325) provides for the use of an inventory for the basis of the partition unless an appraisal is demanded.

Proposed law retains the principle and modernizes the language in present law and additionally provides for the use of a detailed descriptive list.

Present law (C.C. Art. 1326) provides for the ordering of a new appraisal.

Proposed law retains the principle and modernizes the language in present law.

Present law (C.C. Art. 1328) provides for a summary proceeding for an action of partition with the least possible delay.

Proposed law provides that partition proceedings shall be ordinary proceedings but retains the preference provided by present law over other ordinary proceedings.

Present law (C.C. Art. 1380) provides for subsequent discovery of property and the amendment of the partition.

Proposed law retains the principle and modernizes the language in present law.

Present law (C.C. Art. 1384) provides reciprocal warranties between coheirs against disturbance and eviction.

Proposed law retains the principle and modernizes the language in present law.

Present law (C.C. Art. 1400) provides for provisional partitions involving minors, interdicts, and absent persons and for the right to demand a new partition.

Proposed law provides for the nullity and rescission of partitions on the same grounds as a contract of sale or for lesion.

Present law (C.C. Art. 1401) provides for supplementary partitions for the omission of a thing.

Proposed law retains the principle and modernizes the language in present law.

Present law (C.C.P. Art. 81) provides for the actions that shall be brought within a succession proceeding.

Proposed law retains present law and makes technical corrections.

Present law (C.C.P. Art. 4622) provides for petitions for the partition of property between co-owners.

Proposed law deletes a cross-reference.

Present law (C.C.P. Art. 4624) provides for the publication of notice of partition proceedings.

Proposed law retains present law and additionally requires that the notice be affixed to at least one prominent location on the immovable.

Present law (R.S. 9:1113) provides for the partition of certain immovables when a petition is filed by a co-owner or co-owners owning either an aggregate interest of 15% or less of the immovable property or an aggregate interest of 20% or less of the immovable property if there was past ownership of the whole immovable by a common ascendant.

Present law requires the court to allow the remaining co-owners to purchase at private sale the petitioners' shares at a price determined by a court-appointed appraiser.

Proposed law repeals present law and enacts the La. Uniform Partition of Heirs Property Act (R.S. 9:1150-1150.8).

Proposed law (R.S. 9:1150) provides a short title.

Proposed law (R.S. 9:1150.1) provides that the La. Uniform Partition of Heirs Property Act shall be applicable when a petition to partition a corporeal immovable is filed by a co-owner or co-owners owing an aggregate interest of less than 50% and 20% or more of the co-owners are related or 20% or more of the remaining interest in the immovable is owned by co-owners who are related.

Proposed law (R.S. 9:1150.2) provides for the calculation of the fair market value of the immovable, which shall be appraised by an independent, La. licensed real estate appraiser.

Proposed law (R.S. 9:1150.3) provides for a preference for the remaining co-owners to purchase the petitioner's share of the immovable at a private sale and requires the co-owners to file written notice with the court of their intention to exercise the right.

Proposed law (R.S. 9:1150.4) provides varying alternatives for partition when no co-owners exercise the right to purchase, when some but not all of the co-owners exercise the right, and when no outstanding shares remain.

Proposed law (R.S. 9:1150.5) provides for the payment of the purchase price into the registry of the court by the co-owners exercising the right to purchase the immovable and provides varying alternatives when none of the co-owners timely pay, when some but not all timely pay, and when all of the co-owners timely pay their apportioned price.

Proposed law (R.S. 9:1150.6) provides a preference for partition in kind when none of the co-owners exercise the option to purchase a share of the petitioner's interest and when none of the co-owners who exercised the option actually timely pay the price into the registry of the court.

Proposed law (R.S. 9:1150.7) provides alternatives to partition in kind in certain circumstances, including allowing the petitioner to purchase all of the other co-owners'

interests for a premium of 125% of the value or ordering an open-market sale or sale by auction.

Proposed law (R.S. 9:1150.8) provides that existing laws on co-ownership and partition continue to apply to the extent that they are not displaced by the provisions of the Louisiana Uniform Partition of Heirs Property Act.

Present law (C.C. Arts. 1290, 1291, 1295-1297, 1299-1301, 1305, 1306, 1308, 1310-1315, 1318-1321, 1329-1337, 1341-1367, 1370-1373, 1378, 1379, 1382, 1385-1396, 1399, 1402-1414) provides antiquated partition of successions rules from the 1825 and 1870 Civil Codes.

Proposed law repeals present law.

Proposed law provides a special effective date of January 1, 2026, for the La. Uniform Partition of Heirs Property Act.

(Amends C.C. Arts. 811, 1292, 1293, 1302, 1307, 1309, 1325, 1326, 1328, 1380, 1384, 1400, and 1401 and C.C.P. Arts. 81, 4622(B)(1)(b) and 4624; Adds R.S. 9:1150-1150.8; Repeals C.C. Arts. 1290, 1291, 1295-1297, 1299-1301, 1305, 1306, 1308, 1310-1315, 1318-1321, 1329-1337, 1341-1367, 1370-1373, 1378, 1379, 1382, 1385-1396, 1399, 1402-1414 and R.S. 9:1113)