

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 594

2020 Regular Session

Seabaugh

PROPERTY: Provides relative to partitions by private sale

Synopsis of Senate Amendments

1. Specifies that costs paid to a person related to a co-owner within the fourth degree or a juridical entity in which the co-owner has a financial interest shall be allocated solely from the share of that co-owner.

Digest of Bill as Finally Passed by Senate

Present law (C.C. Art. 811) provides for court-ordered sale of property by public or private sale; however, if the parties do not agree to a private sale, the property is sold at public sale.

Proposed law (C.C. Art. 811) provides that the court may order a partition by private sale for absentee and nonconsenting co-owners.

Proposed law (C.C.P. Art. 4607) provides that if the partition is made at private sale without the consent of all co-owners, the sale cannot be for less than 2/3 the appraised property value.

Present law (C.C.P. Art. 4621) provides that for an absentee co-owner, a partition may be effected by licitation.

Proposed law (C.C.P. Art. 4621) retains present law and provides for partition by private sale.

Proposed law (C.C.P. Art. 4622) provides that a petition for partition by private sale shall describe the primary terms of the proposed sale, identify the proposed purchaser, if any, and disclose whether the proposed purchaser is related to any co-owner.

Proposed law (C.C.P. Art. 4624 and C.C.P. Art. 4625) amends present law by including partitions by private sale in the requirements of notice publication and trial.

Proposed law (C.C.P. Art. 4626) provides that the judgment dictate that a pro-rata payment of reasonable costs related to the sale be deducted from the share of each co-owner, but specifies that costs paid to a person related to a co-owner within the fourth degree or a juridical entity in which the co-owner has a financial interest shall be allocated solely from the share of that co-owner.

Proposed law (C.C.P. Art. 4627) provides for the effect of a judgment ordering a public sale also applies to private sales.

Proposed law (C.C.P. Art. 4629) provides for applicability to both partitions by licitation and by private sale.

Proposed law provides for an appointment of an attorney for incompetent parties for partitions by private sale.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends C.C. Art. 811 and C.C.P. Arts. 4607, 4621, 4622, 4624, 4625, 4627, 4629, and 4643; Adds C.C.P. Art. 4626(3))