

2021 Regular Session

SENATE BILL NO. 19

BY SENATOR MORRIS

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

IMMOVABLE PROPERTY. Provides relative to partition of immovable property under certain circumstances. (8/1/21)

1 AN ACT

2 To amend and reenact R.S. 9:1113(A) and (B)(1), relative to property; to provide relative  
3 to partition of immovable property; to provide certain terms, conditions, procedures,  
4 and requirements; to remove certain requirements related to ownership of aggregate  
5 interests if there was past ownership of the whole by a common ascendant; and to  
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 9:1113(A) and (B)(1) are hereby amended and reenacted to read as  
9 follows:

10 §1113. Partition of immovable property; minority interest; private sale; appraisal

11 A. If immovable property is susceptible to partition by licitation or private  
12 sale pursuant to Civil Code Article 811, and a petition to partition the property is  
13 filed by a co-owner or co-owners owning ~~either~~ an aggregate interest of fifteen  
14 percent or less of the immovable property ~~or an aggregate interest of twenty percent~~  
15 ~~or less of the immovable property if there was past ownership of the whole by a~~  
16 ~~common ascendant~~, the court shall allow the remaining co-owners to purchase at  
17 private sale the petitioners' shares at a price determined by a court-appointed

1 appraiser.

2 B.(1) Each remaining co-owner shall only be entitled to purchase a portion  
3 of the property being sold equal to his pro rata share. Each remaining co-owner shall  
4 have thirty days from the date the last defendant is served with the petition to  
5 partition or thirty days from receipt of written notice, sent by certified mail or  
6 commercial courier, from a co-owner waiving his right to purchase, whichever is  
7 earlier, in which to file a notice to exercise his option to purchase his pro rata share  
8 of the property being sold. ~~Where past ownership of the property was by a common  
9 ascendant, each remaining co-owner shall have ninety rather than thirty days to file  
10 the notice provided by this Paragraph.~~ The filed notice, which shall be served on all  
11 parties, shall be considered a fully binding contract to purchase the property.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Jerry G. Jones.

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#### DIGEST

SB 19 Original

2021 Regular Session

Morris

Present law provides relative to partition of immovable property by co-owners.

Present law provides that if immovable property is susceptible to partition by licitation or private sale pursuant to Civil Code Article 811, and a petition to partition the property 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 by a common ascendant, the court shall allow the remaining co-owners to purchase at private sale the petitioners' shares at a price determined by a court-appointed appraiser.

Proposed law deletes language regarding aggregate interest of 20% or less of the immovable property if there was past ownership of the whole by a common ascendant, and retains remainder of present law.

Present law provides certain procedures and requirements for a co-owner to file a notice to exercise an option to purchase his pro rata share of the property being sold. Further provides that where past ownership of the property was by a common ascendant, the co-owner shall have 90 rather than 30 days to file the notice.

Proposed law deletes language providing 90 day notice where past ownership of the property was by a common ascendant, and retains remainder of present law.

Effective August 1, 2021.

(Amends R.S. 9:1113(A) and (B)(1))