
DIGEST

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HB 521 Original

2021 Regular Session

Seabaugh

Abstract: Provides relative to court-ordered partitions for property.

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

Proposed law makes technical changes to present law.

Present 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 two-thirds of the appraised property value.

Proposed law restructures present law.

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

Proposed law makes technical changes to present law.

Present 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, disclose whether the proposed purchaser is related to any co-owner, and disclose whether any costs associated with the sale are paid to a party related to any co-owner within the fourth degree or a juridical entity in which the co-owner has a financial interest.

Proposed law makes technical changes to present law.

Present law (C.C.P. Art. 4624 and C.C.P. Art. 4625) includes partitions by private sale in the requirements of notice publication and trial.

Proposed law makes technical changes to clarify terminology in present law.

Present 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.

Present law (C.C.P. 4626.1) provides that judgments ordering the private sale of a property shall order reimbursement to the co-owner for taxes, preservation expenses, and the amount owed to him by another co-owner receiving and retaining fruits and revenues of the property. The judgment shall

also order that reasonable costs related to the sale, including real estate commissions, brokerage fees, appraisal costs, encumbrance releases, and other customary closing costs, be allocated to one or more co-owners.

Proposed law makes technical changes to present law.

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

Proposed law clarifies terminology in present law.

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

Proposed law makes technical changes to present law.

Present law (C.C.P. Art. 4643) provides for an appointment of an attorney for incompetent parties for partitions by private sale.

Proposed law clarifies terminology in present law.

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, 4626.1, 4627, 4629, and 4643)