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**HOUSE COMMITTEE AMENDMENTS**

2021 Regular Session

Amendments proposed by House Committee on Civil Law and Procedure to Original House Bill No. 521 by Representative Seabaugh

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**1** AMENDMENT NO. 1**2** On page 1, delete lines 2 and 3 in their entirety and insert the following:**3** "To amend and reenact Code of Civil Procedure Article 4622 and to enact Code of  
**4** Civil Procedure Articles 4607.1 and 4607.2, relative to property;"**5** AMENDMENT NO. 2**6** On page 1, line 5, after "co-owners;" delete the remainder of the line and at the beginning  
**7** of line 6 delete "publication; to provide for petitions, trials," and insert "to provide for  
**8** proceedings"**9** AMENDMENT NO. 3**10** On page 1, line 7, after "sale;" and before "to provide for an effective" delete "to provide for  
**11** the appointment of an attorney;"**12** AMENDMENT NO. 4**13** On page 1, delete lines 10 through 18 in their entirety and on page 2, delete lines 1 through  
**14** 18 in their entirety and insert the following:**15** "Section 1. Code of Civil Procedure Article 4622 is hereby amended and  
**16** reenacted and Code of Civil Procedure Articles 4607.1 and 4607.2 are hereby  
**17** enacted to read as follows:**18** Art. 4607.1. Trial; judgment ordering sale**19** A. If any co-owner objects to the partition to be made at private sale for less  
**20** than the appraised value of the property, the court shall allow the petitioner to amend  
**21** its petition to plead for a sale for not less than appraised value. If the petitioning co-  
**22** owner amends the petition, then the court shall order partition by private sale in  
**23** accordance with the amended petition. Otherwise, the court may either grant the  
**24** original petition or order partition by licitation.**25** B. If more than one co-owner petitions the court for partition, such matters  
**26** shall be consolidated into one proceeding. The court shall consider the petitions  
**27** giving preference first to the sale to an existing co-owner, then the highest price, and  
**28** then to other terms and conditions of the sale. The court shall consider the best  
**29** interests of non-consenting co-owners. The court may grant any petition for private  
**30** sale or may order partition by licitation.**31** C. A judgment ordering partition by private sale shall do all of the following:**32** (1) Determine each co-owner's share of the property.**33** (2) Direct a person, who may be a co-owner, to execute an act of sale, with  
**34** or without warranty on behalf of all co-owners, in favor of an identified purchaser  
**35** or a juridical person solely owned by the identified purchaser, and all other  
**36** documents customarily executed in connection with a sale of immovable property  
**37** without the necessity to specifically identify such other documents.

1 Art. 4607.2. Judgment ordering reimbursement or payment of amounts due co-  
2 owner and payment and allocation of costs of private sale out of proceeds of  
3 sale

4 A. A judgment ordering the private sale of property to effect a partition  
5 under the provisions of this Chapter shall order, out of the proceeds of such sale, all  
6 of the following:

7 (1) The reimbursement to a co-owner of the amount proven to be due the co-  
8 owner for the payment of taxes on the property and the expenses of preservation of  
9 the property.

10 (2) The payment to a co-owner of the amount proven to be due the co-owner  
11 by another co-owner who has received and retained the fruits and revenues of the  
12 property.

13 (3)(a) The payment of reasonable costs related to the sale, including real  
14 estate commissions, brokerage fees, appraisal costs, payments associated with the  
15 release of encumbrances and other customary closing costs, and the allocation of  
16 such costs to one or more co-owners.

17 (b) The court in rendering judgment shall consider whether the costs  
18 associated with the sale will be paid to any person related to the co-owners within  
19 the fourth degree or a juridical entity in which the co-owner has a direct or indirect  
20 financial interest.

21 (4) The payment of the remainder of the proceeds to each co-owner in the  
22 proportion determined pursuant to Article 4607.1(C)(1).

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24 AMENDMENT NO. 5

25 On page 2, line 28, after "any co-owner" and before the comma "," insert "within the fourth  
26 degree or is a juridical entity in which any co-owner has a direct or indirect financial  
27 interest"

28 AMENDMENT NO. 6

29 On page 3, delete lines 3 through 30 in their entirety and delete page 4 in its entirety and on  
30 page 5, delete lines 1 through 24 in their entirety.

31 AMENDMENT NO. 7

32 On page 5, at the beginning of line 25, change "Section 3." to "Section 2."