
DIGEST

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HB 521 Engrossed

2021 Regular Session

Seabaugh

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

Proposed law (C.C.P. Art. 4607.1) provides that if any co-owner objects to a partition by private sale for less than the appraised value of the property, the petitioner may amend the petition. The court shall order partition by private sale in accordance with the amended petition. Otherwise the court may grant the original petition or order partition by licitation.

Proposed law (C.C.P. Art. 4607.1) provides that if more than one co-owner petitions the court for partition, the matters shall be consolidated. The court shall consider petitions giving the following preferences:

- (1) Sale to an existing co-owner.
- (2) Highest price.
- (3) Other terms and conditions of the sale.

Proposed law (C.C.P. Art. 4607.1) provides that the court consider the best interests of the non-consenting co-owners and may grant any petition for private sale or order of partition by licitation.

Proposed law (C.C.P. Art. 4607.1) provides that the judgment ordering partition by private sale determine each co-owner's share of the property and direct a person to execute an act of sale with or without warranty on behalf of all co-owners.

Proposed law (C.C.P. Art. 4607.2) provides for the judgment ordering reimbursement of amounts due co-owners and allocation of costs of private sale out of the proceeds of the sale. The judgment ordering the private sale shall order:

- (1) Reimbursement to a co-owner of amount due for payment of taxes and expenses of property preservation.
- (2) Payment to a co-owner due by another co-owner who has received and retained fruits and revenues of the property.
- (3) Payment of reasonable costs related to the sale.

- (4) Payment of the remainder of the proceeds to each co-owner in proportion to the co-owner's property share.

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 provides that the petition shall disclose whether the proposed purchaser is related to any co-owner within the fourth degree or a juridical entity in which the co-owner has a financial interest.

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

(Amends C.C.P. Art. 4622; Adds C.C.P. Arts. 4607.1 and 4607.2)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Remove provisions regarding C.C. Art. 811 and C.C.P. Arts. 4607, 4621, 4624, 4625, 4626, 4626.1, 4627, 4629, and 4643.
2. Enact C.C.P. Arts. 4607.1 and 4607.2.
3. Add that a petition shall identify whether the proposed purchaser is related to any co-owner within the fourth degree or is a juridical entity in which any co-owner has a financial interest.