
DIGEST

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HB 175 Original

2025 Regular Session

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Abstract: Provides for the partition of property.

Present law (C.C. Art. 811) provides that if one or more co-owners are absent, the court may order partition by private sale of a thing held indivision that is not susceptible to partition in kind.

Proposed law deletes present law due to the enactment of the Louisiana Uniform Partition of Heirs Property Act.

Present law (C.C. Art. 1292) provides for the undivided ownership of the property of a succession.

Proposed law retains the principle and modernizes the language in present law.

Present law (C.C. Art. 1293) provides for the partition of an intestate succession.

Proposed law retains the principle and modernizes the language in present law.

Present law (C.C. Art. 1302) provides that there is no need for the partition of a testate succession when the testator has expressly allocated assets.

Proposed law retains the principle and modernizes the language in present law.

Present law (C.C. Art. 1307) provides for partition among heirs and legatees.

Proposed law retains the principle and modernizes the language in present law.

Present law (C.C. Art. 1309) provides for partition between possessors in common.

Proposed law retains the principle and modernizes the language in present law.

Present law (C.C. Art. 1325) provides for the use of an inventory for the basis of the partition unless an appraisal is demanded.

Proposed law retains the principle and modernizes the language in present law and additionally provides for the use of a detailed descriptive list.

Present law (C.C. Art. 1326) provides for the ordering of a new appraisal.

Proposed law retains the principle and modernizes the language in present law.

Present law (C.C. Art. 1328) provides for a summary proceeding for an action of partition with the least possible delay.

Proposed law provides that partition proceedings shall be ordinary proceedings but retains the preference provided by present law over other ordinary proceedings.

Present law (C.C. Art. 1380) provides for subsequent discovery of property and the amendment of the partition.

Proposed law retains the principle and modernizes the language in present law.

Present law (C.C. Art. 1384) provides reciprocal warranties between coheirs against disturbance and eviction.

Proposed law retains the principle and modernizes the language in present law.

Present law (C.C. Art. 1400) provides for provisional partitions involving minors, interdicts, and absent persons and for the right to demand a new partition.

Proposed law provides for the nullity and rescission of partitions on the same grounds as a contract of sale or for lesion.

Present law (C.C. Art. 1401) provides for supplementary partitions for the omission of a thing.

Proposed law retains the principle and modernizes the language in present law.

Present law (C.C.P. Art. 81) provides for the actions that shall be brought within a succession proceeding.

Proposed law retains present law and makes technical corrections.

Present law (C.C.P. Art. 4622) provides for petitions for the partition of property between co-owners.

Proposed law deletes a cross-reference.

Present law (C.C.P. Art. 4624) provides for the publication of notice of partition proceedings.

Proposed law retains present law and additionally requires that the notice be affixed to at least one prominent location on the immovable.

Present law (R.S. 9:1113) provides for the partition of certain immovables when a petition 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 immovable by a common ascendant.

Present law requires the court to allow the remaining co-owners to purchase at private sale the petitioners' shares at a price determined by a court-appointed appraiser.

Proposed law repeals present law and enacts the La. Uniform Partition of Heirs Property Act (R.S. 9:1150-1150.8).

Proposed law (R.S. 9:1150) provides a short title.

Proposed law (R.S. 9:1150.1) provides that the La. Uniform Partition of Heirs Property Act shall be applicable when a petition to partition a corporeal immovable is filed by a co-owner or co-owners owing an aggregate interest of less than 50% and 20% or more of the co-owners are related or 20% or more of the remaining interest in the immovable is owned by co-owners who are related.

Proposed law (R.S. 9:1150.2) provides for the calculation of the fair market value of the immovable, which shall be appraised by an independent, La. licensed real estate appraiser.

Proposed law (R.S. 9:1150.3) provides for a preference for the remaining co-owners to purchase the petitioner's share of the immovable at a private sale and requires the co-owners to file written notice with the court of their intention to exercise the right.

Proposed law (R.S. 9:1150.4) provides varying alternatives for partition when no co-owners exercise the right to purchase, when some but not all of the co-owners exercise the right, and when no outstanding shares remain.

Proposed law (R.S. 9:1150.5) provides for the payment of the purchase price into the registry of the court by the co-owners exercising the right to purchase the immovable and provides varying alternatives when none of the co-owners timely pay, when some but not all timely pay, and when all of the co-owners timely pay their apportioned price.

Proposed law (R.S. 9:1150.6) provides a preference for partition in kind when none of the co-owners exercise the option to purchase a share of the petitioner's interest and when none of the co-owners who exercised the option actually timely pay the price into the registry of the court.

Proposed law (R.S. 9:1150.7) provides alternatives to partition in kind in certain circumstances, including allowing the petitioner to purchase all of the other co-owners' interests for a premium of 125% of the value or ordering an open-market sale or sale by auction.

Proposed law (R.S. 9:1150.8) provides that existing laws on co-ownership and partition continue to apply to the extent that they are not displaced by the provisions of the Louisiana Uniform Partition of Heirs Property Act.

Present law (C.C. Arts. 1290, 1291, 1295-1297, 1299-1301, 1305, 1306, 1308, 1310-1315, 1318-1321, 1329-1337, 1341-1367, 1370-1373, 1378, 1379, 1382, 1385-1396, 1399, 1402-1414)

provides antiquated partition of successions rules from the 1825 and 1870 Civil Codes.

Proposed law repeals present law.

Proposed law provides a special effective date of January 1, 2026, for the La. Uniform Partition of Heirs Property Act.

(Amends C.C. Arts. 811, 1292, 1293, 1302, 1307, 1309, 1325, 1326, 1328, 1380, 1384, 1400, and 1401 and C.C.P. Arts. 81, 4622(B)(1)(b) and 4624; Adds R.S. 9:1150-1150.8; Repeals C.C. Arts. 1290, 1291, 1295-1297, 1299-1301, 1305, 1306, 1308, 1310-1315, 1318-1321, 1329-1337, 1341-1367, 1370-1373, 1378, 1379, 1382, 1385-1396, 1399, 1402-1414 and R.S. 9:1113)