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## DIGEST

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Jefferson

HB No. 1214

**Abstract:** Provides procedures for the partition of immovable property previously owned by a common ascendant of all of the present owners of the property.

Present law provides that if immovable property is susceptible of partition by licitation or private sale and a co-owner or co-owners owning an aggregate interest of 15% or less of the immovable property petition the court to partition the property, 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 retains present law and adds provisions allowing the remaining co-owners to purchase at private sale the petitioners' shares at a price determined by a court-appointed appraiser when the petition to partition the property is filed by co-owners with an aggregate interest of 20% or less of the immovable property if there was past ownership of the whole by a common ascendant.

Present law provides that each remaining co-owner shall only be entitled to purchase a portion of the property being sold equal to his pro rata share. Each remaining co-owner shall have 30 days from the date the last defendant is served with the petition to partition or 30 days from receipt of written notice, sent by certified mail or commercial courier, from a co-owner waiving his right to purchase, whichever is earlier, in which to file a notice to exercise his option to purchase his pro rata share of the property being sold.

Proposed law adds that where past ownership of the property was by a common ascendant, each remaining co-owner shall have 90 rather than 30 days to file such notice.

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

(Amends R.S. 9:1113)