
DIGEST

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HB 668 Original

2026 Regular Session

Muscarello

Abstract: Provides relative to 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 removes present law that is rededicated in other proposed law.

Present law (C.C.P. Art. 4607) provides that private sales shall not be for less than the appraised value of the property and that the private sale be executed with a court-appointed representative on behalf of the absentee or nonconsenting co-owner. Also requires notice to all counsel of record, including curators.

Proposed law changes present law by requiring for the sale to not be for less than the fair-market value of the property and that the documents required to effectuate the sale shall be executed by a court-appointed representative that may be a co-owner acting on behalf of all co-owners.

Proposed law also provides that the court may order that a partition by private sale be effectuated only after the thing has been marketed in a commercially reasonable manner considering the nature of the thing.

Proposed law provides for the judgment ordering reimbursements or payments of amounts due to co-owners.

Present law (C.C.P. Art. 4622(B)) provides that the petition for partition among co-owners shall have priority status for consideration by the court. The petition shall describe the primary terms of the proposed sale, identify the proposed purchaser and whether the proposed purchaser is a co-owner or third party, declare the source of funds to be used in the sale, and if the proposed purchaser is a juridical entity, disclose whether any co-owner has a relationship with that entity. Also provides that upon judgment ordering the sale, payment shall be made using certified funds within 24 hours.

Proposed law changes present law by removing that the petition for partition shall have priority status for consideration by the court and the petition contain all of the following:

- (1) The primary terms of the proposed sale.

- (2) The name of the proposed purchaser.
- (3) Whether any costs associated with the sale will be paid to any person related to the petitioning co-owners within the fourth degree or a juridical entity in which the co-owner has a direct or indirect financial interest.

Proposed law also removes the requirement that upon judgment ordering the sale that payment be made using certified funds within 24 hours.

Present law (C.C.P. Art. 4624) provides for the publication of notice of partition proceedings. Requires notice to the absent defendant that the plaintiff is seeking to have the property partitioned and that the absent defendant has 15 days from the date of the publication of initial notice to answer the plaintiff's petition.

Proposed law retains present law and adds that if the property sought to be partitioned is a corporeal immovable, the petitioner, contemporaneous with publication of notice, shall affix a copy of the notice in at least one prominent location on the immovable.

Present law (C.C.P. Art. 4625(A)) provides for trial and judgments related to the partition of co-owned property.

Proposed law provides that a court shall render judgment ordering the private sale of the property to be for no less than fair market value and that the documents required to effectuate the sale be executed on behalf of the absentee or nonconsenting co-owner by a court-appointed representative who may be a co-owner.

Proposed law also removes a reference to present law.

(Amends C.C. Art. 811 and C.C.P. Arts. 4607, 4622(B), 4624, and 4625(A); Adds C.C.P. Art. 4607.1)