SLS 24RS-362 ORIGINAL

2024 Regular Session

SENATE BILL NO. 126

BY SENATOR OWEN

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FAMILY LAW. Provides for the definition of realtor in partition of community property. (8/1/24)

AN ACT

2 To amend and reenact R.S. 9:2801(A)(4)(e), relative to community property; to provide relative to settlement claims in partition of community property; to provide relative 3 to terms and definitions; to provide with respect to the term "realtor" in partition of 4 5 community property; and to provide for related matters. 6 Be it enacted by the Legislature of Louisiana: 7 Section 1. R.S. 9:2801(A)(4)(e) is hereby amended and reenacted to read as follows: 8 §2801. Partition of community property and settlement of claims arising from 9 matrimonial regimes and co-ownership of former community 10 property 11 A. When the spouses are unable to agree on a partition of community property or on the settlement of the claims between the spouses arising either from 12 13 the matrimonial regime, or from the co-ownership of former community property following termination of the matrimonial regime, either spouse, as an incident of the 14 action that would result in a termination of the matrimonial regime or upon 15 termination of the matrimonial regime or thereafter, may institute a proceeding, 16

which shall be conducted in accordance with the following rules:

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2	(4) The court shall then partition the community in accordance with the
3	following rules:
4	* * *
5	(e) In the event that the allocation of an asset, in whole or in part, would be
6	inequitable to a party, the court may order the parties to draw lots for the asset or
7	may order the private sale of the asset on such terms and conditions as the court
8	deems proper, including the minimum price, the terms of sale, the execution of
9	realtor listing agreements with agents defined by R.S. 37:1431, and the period of
10	time during which the asset shall be offered for private sale.
11	* * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Hanna Gettys.

DIGEST 2024 Regular Session

Owen

SB 126 Original

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Present law (R.S. 9:2801) provides a process by which former spouses who are unable to agree on a partition of community property or on the settlement of the claims between the spouses arising either from the matrimonial regime or co-ownership of former community property may institute a proceeding to have the court partition the community property in accordance with specific rules provided in present law.

Proposed law retains present law.

Present law provides that if the allocation of an asset, in whole or in part, would be inequitable to a party, the court may order the private sale of the asset on such terms and conditions as the court deems proper, including but not limited to the execution of realtor listing agreements.

Proposed law retains present law but clarifies that the term "realtor" means "agents" as defined by present law (R.S. 37:1431).

Effective August 1, 2024.

(Amends R.S. 9:2801(A)(4)(e))