

HCS HB 919 -- PARTITION OF PROPERTY (Evans)

COMMITTEE OF ORIGIN: Standing Committee on Agriculture Policy

This bill creates the "Save the Family Farm Act," creating new provisions regulating the partition of property among heirs.

This bill only applies to property that is determined by a court to be "heirs property," as defined in the bill.

This bill specifies that if any cotenant requests partition by sale of heirs property the court shall send notice to all other cotenants that they may buy all the interests of the cotenant requesting partition by sale.

All cotenants are given 45 days to respond to the court notice. After the expiration of 45 days the following rules apply:

(1) If only one cotenant elects to buy all the interests of the cotenants that requested partition by sale, the court shall notify all the parties of that fact;

(2) If more than one cotenant elects to buy all the interests of the cotenants that requested partition by sale, the court shall allocate the right to buy those interests among the electing cotenants based on each electing cotenant's existing fractional ownership of the entire parcel divided by the total existing fractional ownership of all cotenants electing to buy and send notice to all the parties of that fact and of the price to be paid by each electing cotenant;

(3) If no cotenant elects to buy all the interests of the cotenants that requested partition by sale, the court shall send notice to all the parties of that fact and resolve the partition action through partition in kind or partition by sale, whichever method applies as required by the bill.

This bill applies to all partition actions filed on or after August 28, 2019.

This bill is similar to SB 286 (2019).