

## Committee on Judiciary

### **CS/CS/SB 580 — Uniform Partition of Heirs Property Act**

by Community Affairs Committee; Judiciary Committee; and Senators Bracy and Broxson

This bill adopts the Uniform Partition of Heirs Property Act by the Uniform Law Commission. The bill provides special procedures for the partition of “heirs property,” which generally includes inherited real property owned by relatives as tenants in common. A partition involves a legal action by a cotenant to force the sale or division of real property.

The bill provides a right of first refusal, allowing heirs property cotenants to purchase the property interests of cotenants seeking partition before the property is divided or sold. The bill requires a court to determine the fair market value of the property, either through court-ordered appraisal or based on the agreement of the parties, before the court proceeds to partition. The bill generally requires partitions by sale to be made in an open-market sale by a court appointed real estate broker, instead of an auction as the statutes currently require.

If approved by the Governor, these provisions take effect July 1, 2020.

*Vote: Senate 38-0; House 116-0*