



Senate

General Assembly

File No. 394

February Session, 2004

Senate Bill No. 290

Senate, April 1, 2004

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING PARTITION ACTIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 52-500 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2004*):

4 (a) Any court of equitable jurisdiction may, upon the complaint of
5 any person interested, order the sale of any property, real or personal,
6 owned by two or more persons, when, in the opinion of the court, a
7 sale will better promote the interests of the owners. If the court
8 determines that one or more of the persons owning such real or
9 personal property have only a minimal interest in such property and a
10 sale would not promote the interests of the owners, the court may
11 order such equitable distribution of such property, with payment of
12 just compensation to the owners of such minimal interest, as will better
13 promote the interests of the owners.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill permits the court to order a person with minimal ownership interest in real or personal property to be bought out by the other party if the judge finds that a sale of the property would not promote the interests of the owners. Providing the court with an additional option in partition actions could facilitate the disposition of certain civil cases. There is no related fiscal impact.

OLR Bill Analysis

SB 290

AN ACT CONCERNING PARTITION ACTIONS**SUMMARY:**

By law, the Superior Court may order the division of property owned by two or more people or entities, or a sale followed by a division of the proceeds, when one of the owners asks it to do so and the court determines it will promote the owners' interests.

The bill gives the court an additional option, allowing it to divide the property equitably among some of the owners and order the payment of just compensation to the other owner or owners who have only a minimal ownership interest in the property. The court may do so only if it determines that selling the property and dividing the proceeds would not promote the owners' interests.

EFFECTIVE DATE: October 1, 2004

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 39 Nay 0