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**SENATE BILL NO. 774**

Offered January 10, 2018

Prefiled January 10, 2018

*A BILL to amend and reenact § 8.01-83 of the Code of Virginia, relating to partition; private auction of property.*

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Patron—Chafin

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Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:****1. That § 8.01-83 of the Code of Virginia is amended and reenacted as follows:****§ 8.01-83. Allotment to one or more parties, auction, or sale, in lieu of partition.**

When partition cannot be conveniently made, the entire subject may be allotted to any one or more of the parties who will accept it and pay therefor to the other parties such sums of money as their interest therein may entitle them to; ~~or in~~. *Alternatively, when partition cannot be conveniently made, the court may order a private auction between two or more parties if such parties are financially able to and interested in purchasing the property.*

*In any case in which partition cannot be conveniently made, if the interest of those who are entitled to the subject, or its proceeds, will be promoted by a sale of the entire subject, or allotment of part and sale of the residue, the court, notwithstanding any of those entitled may be a person under a disability, may order such sale, or an allotment of a part thereof to any one or more of the parties who will accept it and pay therefor to the other parties such sums of money as their interest therein may entitle them to, and a sale of the residue, and make distribution of the proceeds of sale, according to the respective rights of those entitled, taking care, when there are creditors of any deceased person who was a tenant in common, joint tenant, or coparcener, to have the proceeds of such deceased person's part applied according to the rights of such creditors.*

INTRODUCED

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