

TITLE IV

Chapter: 37 Chapter Title: PARTITION OF COMMUNITY PROPERTY

Rule No: 37.5

Summary Proceedings

**4th Judicial District
Court
Parishes of
Morehouse and
Ouachita**

See Rule 35.0, section P. Specific Procedures for Partition of Community Property

Effective January 1,
2010

**14th Judicial District
Court
Parish of Calcasieu**

To view the current Title IV Rules of the 14th JDC, click here
<http://www.lasc.org/rules/dist.ct/14thJDCTABLETITLIV.PDF>

**15th Judicial District
Court
Parishes of Acadia,
Lafayette and
Vermilion**

The trial of the traverses and trial on the merits shall be set on the Court's regular merits docket.

Amended effective
April 1, 2005

TITLE IV

Chapter: 37 Chapter Title: PARTITION OF COMMUNITY PROPERTY

Rule No: 37.5

Summary Proceedings

**24th Judicial District
Court
Parish of Jefferson**

Revised effective
May 25, 2005

A. The trial of the traverses of the sworn descriptive list may be by summary procedure. The court, in its discretion, may by ordinary procedure try and determine at one hearing all issues, including those raised in the traverses. La. R.S. 9:2801.

B. Special Masters.

1. The court shall have the power to appoint a special master, with the consent of all parties, in those cases involving extraordinary, unique, or complex issues of fact and/or law. The costs shall be divided between the parties as ordered by the court.

2. The special master shall act as the court's (a) advisor on facts, (b) expert on the law, and (c) organizer of any evidence or experts.

3. The special master may take testimony and evidence, if necessary, to complete the report to the judge. The testimony shall be taken in the same manner as a deposition. Evidence/documents may be requested by letter. The special master is not to conduct a full trial, but is to advise the court through written memorandum of the facts the experts have found and submit expert legal opinions on the specific issues needed to be addressed, including how the partition should be decided.

4. The special master shall complete his investigation within ninety (90) days. In a written memorandum, the special master may request additional time, which may be granted upon good cause shown. A copy of the memorandum shall be provided to the parties by certified mail. Each party shall report to the court within ten (10) days of the receipt of the memorandum, whether its content is accepted in its entirety, or specifically list those items still in dispute, or items to which the party will stipulate.

5. The court may then indicate whether or not it will follow the memorandum. Either party shall retain the right to a full trial on the merits, should they disagree with the memorandum; however, the court retains the right to cast one party for all of the special master's costs and fees, if that party makes a frivolous motion for a full trial on the merits. La. C.C.P. Arts. 863 and 864 and the Disciplinary Code shall be used to determine if the motion for trial is frivolous. See La. R.S. 13:4165.

C. The court shall have the right to appoint any experts needed to perform valuation and/or classification of any property in the community or between the co-owners. The court, in its discretion, shall apportion the cost of the expert(s) between the parties.

**Family Court
For the Parish of
East Baton Rouge**

To view the current Title IV Rules of East Baton Rouge Family Court, click here

<http://www.lasc.org/rules/dist.ct/EASTBATONROUGEFAMILYCOURTTITLEIV.PDF>
