

POSSIBLE NEW SECTION - COTENANT BUYOUT OF NON-APPEARING PARTIES

(a) Not later than 45 days after the court provides notice to the parties pursuant to subsection (a) of Section 7, any cotenant entitled to buy an interest under Section 7 may request that the court also authorize the sale as part of the pending action of the interests of cotenants who were named as defendants in the pending action and who were lawfully served with the complaint but who did not appear in the action.

(b) If the court receives a timely request under subsection (a), the court may, after hearing, deny the request or authorize the requested additional sale on such terms as the court determines are fair and reasonable; provided, that

(i) a sale authorized under this section shall only occur after the purchase prices for any interests offered for sale under Section 7 have been paid into court and those interests have been reallocated among the cotenants as provided in that section; and

(ii) the purchase price for any interests of non-appearing cotenants shall be based on the court's determination of value under Section 6.