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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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DIGEST

SB 67 Engrossed

2025 Regular Session

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Present law (C.C.P. Art. 2881) authorizes ex parte probate if there is no objection and requires objections to be made orally at a hearing or filed prior to the hearing.

Proposed law authorizes ex parte probate if there is no objection.

Present law (C.C.P. Art. 2882) provides for the procedure at probate hearings, including the opening of a testament, receiving proof of its making, reading, and paraphrasing the top and bottom of each page.

Proposed law deletes present law and provides that an objection to ex parte probate may be presented in an opposition and shall be filed.

Present law (C.C.P. Art. 2889) provides for the deposition of witnesses by a petitioner for probate.

Proposed law retains present law and makes a technical change to a cross-reference.

Present law (C.C.P. Art. 2890) provides for the proces verbal of probate.

Proposed law retains present law and makes technical changes.

Present law (C.C.P. Art. 2901) provides for a contradictory hearing when an opposition is filed.

Proposed law makes a technical change to a cross-reference and deletes the language relative to a reasonable delay when an oral objection is made to the ex parte probate.

Present law (C.C.P. Art. 5181) provides for the privilege of litigating without the prior payment of costs.

Proposed law retains present law and specifically includes succession proceedings in the privilege.

Present law (C.C.P. Art. 5186) provides for the account and payment of costs incurred by a party granted the right to litigate without the prior payment of costs.

Proposed law retains present law and provides that when a party is permitted to proceed without the payment of costs in a succession proceeding, the payment of costs due shall be ordered to be paid from the succession assets.

Effective August 1, 2025.

(Amends C.C.P. Arts. 2881, 2882, 2889, 2890, 2901, the heading of Chapter 5 of Title I of Book VI, and C.C.P. Arts. 5181(A) and 5186)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Makes technical changes.
2. Authorizes the court to order payment of costs from succession assets.