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**HOUSE COMMITTEE AMENDMENTS**

2017 Regular Session

Amendments proposed by House Committee on Civil Law and Procedure to Original House Bill No. 400 by Representative Garofalo

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1 AMENDMENT NO. 1

2 On page 1, line 3, change "R.S. 9:5172(A)(3)" to "R.S. 9:5172(A)(3) and 5173.1"

3 AMENDMENT NO. 2

4 On page 1, line 4, after "requirements;" and before "and to provide" insert "to provide a form  
5 for partial cancellation of a mortgage;"

6 AMENDMENT NO. 3

7 On page 1, line 7, change "R.S. 9:5172(A)(3) is" to "R.S. 9:5172(A)(3) and 5173.1 are"

8 AMENDMENT NO. 4

9 On page 1, line 11, after "institution" and before "or duly" delete "executed before a notary  
10 public" and insert "represented by one of its officers and executed"

11 AMENDMENT NO. 5

12 On page 1, line 12, after "witnesses," and before "that" change "any act" to "or in any form"

13 AMENDMENT NO. 6

14 On page 2, at the beginning of line 28, delete "appeared"

15 AMENDMENT NO. 7

16 On page 3, at the beginning of line 1, delete "representatives, which declared" and insert  
17 "officer or officers declares"

18 AMENDMENT NO. 8

19 On page 3, between lines 26 and 27, insert "[Choose one of the two following signature  
20 options.]"

21 AMENDMENT NO. 9

22 On page 3, line 27, change "PASSED" to "SIGNED"

23 AMENDMENT NO. 10

24 On page 4, after line 20, add the following:

25 "§5173.1. Mortgage or privilege partial cancellation by financial  
26 institution-standard form

27 A financial institution seeking a partial cancellation of a mortgage or  
28 privilege inscription pursuant to R.S. 9:5172 may use, and the recorder of mortgages  
29 for each and every parish in the state of Louisiana shall accept, the following form  
30 as fully compliant as a request for partial cancellation and act of partial release. The  
31 form contained in this Section is not the exclusive form to be accepted for filing, and

1 any other form meeting the requirements of R.S. 9:5172 may be used and filed to  
2 partially cancel the recordation of a mortgage or privilege:

3 REQUEST FOR PARTIAL CANCELLATION OF MORTGAGE OR PRIVILEGE  
4 AND PARTIAL RELEASE BY LICENSED FINANCIAL INSTITUTION  
5 PURSUANT TO R.S. 9:5172

6 State of \_\_\_\_\_  
7 Parish or County of \_\_\_\_\_

8 BE IT KNOWN THAT on this \_\_\_\_\_ day \_\_\_\_\_ of 20 \_\_\_\_\_,  
9 (name of financial institution), herein represented by its  
10 undersigned duly authorized officer or officers, declares the following:

11 The institution is a licensed financial institution as defined in R.S. 9:5172 et  
12 seq., and is the obligee or authorized agent of the obligee for the obligation secured  
13 by the mortgage or privilege described as follows:

14 A mortgage or privilege granted by: \_\_\_\_\_  
15 In favor of: \_\_\_\_\_  
16 Date of Instrument: \_\_\_\_\_  
17 Parish of Recordation: \_\_\_\_\_  
18 Recording Data: \_\_\_\_\_

19 The institution grants a partial release of the above-described mortgage or  
20 privilege, and does hereby release ONLY the following described property from the  
21 above-described mortgage or privilege, to wit:

22 Legal description of released property is as follows or is hereby attached as  
23 Exhibit "A":  
24 \_\_\_\_\_  
25 \_\_\_\_\_  
26 \_\_\_\_\_

27 The institution hereby requests, authorizes, and directs the Clerk of Court and  
28 Ex-Officio Recorder of Mortgages for the Parish in which the above-described  
29 property is situated to release the above-described property from the mortgage or  
30 privilege described above and to partially cancel the above-described mortgage or  
31 privilege ONLY AS TO such described property hereby released from the same.

32 The institution further expressly declares that the above-described mortgage  
33 or privilege is not released or cancelled as to any other property described in such  
34 mortgage or privilege, and such mortgage or privilege shall continue to encumber  
35 and remain in full force and effect as to all other property described therein.

36 The recorder of mortgages shall not be liable for any damages resulting to  
37 any person or entity as a consequence of partially cancelling a mortgage or vendor's  
38 privilege pursuant to this form.

39 [Choose one of the two following signature options.]

40 THUS DONE AND SIGNED, before me, Notary Public, on the date set forth  
41 above.

42 \_\_\_\_\_  
43 Name of officer and title  
44 Name of financial institution  
45 Requested mailing address  
46 City, state, and zip code

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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\_\_\_\_\_  
Notary Public  
(Printed name of notary and bar roll or notary number)

OR

THUS DONE AND SIGNED, by the two undersigned authorized officers of  
the above named financial institution on the date set forth above.

\_\_\_\_\_  
Name of officer and title  
Name of financial institution  
Requested mailing address  
City, state, and zip code

\_\_\_\_\_  
Name of officer and title  
Name of financial institution  
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