

2017 Regular Session

HOUSE BILL NO. 328

BY REPRESENTATIVE COUSSAN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PROPERTY/IMMOVABLE: Provides relative to extinction of rights relating to immovable property

1 AN ACT

2 To amend and reenact R.S. 9:5176(D), relative to the extinction of rights; to provide for
3 acknowledgment of the extinction of rights; to provide with regard to attorney fees
4 and costs in actions related to extinction of rights; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:5176(D) is hereby amended and reenacted to read as follows:

7 §5176. Extinction of certain rights; acknowledgment by owner or holder

8 * * *

9 D. ~~The prevailing party in an action pursuant to this Section may be awarded~~
10 ~~reasonable attorney fees in addition to the costs of the action from the person who~~
11 ~~demande~~d or refused delivery of the written acknowledgment. In an action pursuant
12 to this Section, the court may order the losing party or parties to pay the costs of the
13 action and reasonable attorney fees incurred by the prevailing party or parties.

14 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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)]

HB 328 Engrossed

2017 Regular Session

Coussan

Abstract: Provides that the losing party must pay for attorney fees and costs in actions related to the acknowledgment of extinction of rights.

Present law allows for the recovery of attorney fees and costs in an action regarding the acknowledgment of extinction of rights involving immovable property from the person who demanded or refused delivery of the acknowledgment.

Proposed law amends present law to provide that the losing party of a suit under present law must pay for attorney fees and costs incurred by the prevailing party.

(Amends R.S. 9:5176(D))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Provide that the court may order attorney fees and costs to be paid by the losing party.