

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 264

2021 Regular Session

Seabaugh

SALES: Provides for advertisement of judicial sales

Synopsis of Senate Amendments

1. Adds provisions amending R.S. 47:2153(A)(1)(c)(i), (ii), and (iii) and the introductory paragraph of (A)(2)(b) and (C)(1), relative to notice for tax sales.
2. Provides that prior to the tax sale, the tax collector shall send a written notice to each tax sale party via first class mail or certified mail.
3. Provides that if the written notice of tax sale is returned, the tax collector shall post a notice of tax sale on or near the main entrance of the primary structure on the property.
4. Clarifies that failure of a tax debtor to receive actual notice of the tax sale shall not affect the validity of the tax sale when the tax collector demonstrates a reasonable and diligent effort to provide notice.
5. Makes technical changes.

Digest of Bill as Finally Passed by Senate

Present law (C.C.P. Art. 2331) provides for the publication of notice of the sale of property under a writ of fieri facias shall be published twice for immovable property.

Proposed law (C.C.P. Art. 2331) retains present law but provides that if a judicial sale of immovable property is rescheduled, the notice of sale of property shall be published once.

Present law (R.S. 47:2153) provides for notice of delinquency and tax sales.

Present law (R.S. 47:2153(A)) provides that if written notice of a tax sale to the tax debtor is returned for any reason, the tax collector shall demonstrate a reasonable and diligent effort to provide notice of the tax sale.

Proposed law (R.S. 47:2153(A)) adds that written notice may be sent by first class mail.

Present law (R.S. 47:2153(A)(c)(iii)) provides that failure of the debtor to receive actual notice of the tax sale shall not affect the validity of the tax sale when the tax collector demonstrates a reasonable and diligent effort to provide notice.

Proposed law (R.S. 47:2153(A)(c)(iii)) clarifies that the debtor is a tax debtor.

(Amends C.C.P. Art. 2331 and R.S. 47:2153(A)(1)(c)(i), (ii), and (iii), and the intro. para. of (A)(2)(b) and (C)(1))