
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Hanna Gettys.

DIGEST

SB 32 Original

2024 Regular Session

Miller

Present law (C.C.P. Art. 3421) defines a small succession as the succession of a person who died leaving property with a gross value of \$125,000 or less and the succession of a person who died testate without leaving immovable property if probate thereof would be the same as if the person died intestate.

Proposed law clarifies present law by retaining the definition of a small succession for a person who dies domiciled in La. leaving property valued at \$125,000 or less and for the ancillary succession of a person who dies domiciled outside of La. leaving property valued at \$125,000 or less.

Proposed law further provides that a small succession may also include the succession of a person who dies testate in La. leaving immovable property valued at \$125,000 or less.

Present law (C.C.P. Art. 3422) provides for reduced court costs for small successions.

Proposed law retains the reduction in court costs but eliminates the five-dollar minimum.

Present law (C.C.P. Art. 3422.1) provides for small successions when immovable property has been damaged by disaster or catastrophe.

Proposed law retains and reorganizes present law.

Present law (C.C.P. Art. 3431) provides that it is not necessary to judicially open a succession in certain circumstances.

Proposed law retains some of present law and additionally provides that it is not necessary to judicially open a succession for a decedent who died testate in La. if the value of property is less than \$125,000, immovable property is not transferred, and all of the persons who would inherit agree to waive probate.

Proposed law further provides that that it is not necessary to judicially open a succession for a decedent who died outside of La. if the value of the property is less than \$125,000 and the testament was probated by a foreign court.

Present law (C.C.P. Art. 3432) provides an affidavit procedure for small successions.

Proposed law retains this affidavit procedure for small successions for persons who died intestate and authorizes curators to execute the affidavit on behalf of interdicts.

Present law (C.C.P. Art. 3432.1) provides an affidavit procedure for small successions for persons who died testate.

Proposed law retains this affidavit procedure for small successions for persons who died testate in La. without immovable property. Proposed law eliminates the need for certified copies and authorizes curators to execute the affidavit on behalf of interdicts.

Proposed law (C.C.P. Art. 3433) adds a new affidavit procedure for small successions for persons who died testate outside of La. Proposed law requires the affidavit to include facts relative to the date of death, marital status, residence, names of legatees and heirs, property descriptions, and affirmations along with a copy of the probate order of the other jurisdiction.

Present law (C.C.P. Art. 3434) provides that an endorsed copy of the affidavit provides sufficient authority for the payment of money or the delivery of property.

Proposed law retains present law and makes technical corrections.

Present law (C.C.P. Art. 3443) provides for the sale of succession property with proper notice.

Proposed law retains present law and makes technical corrections.

Effective August 1, 2024.

(Amends C.C.P. Arts. 3421, 3422, 3422.1(B), (C), and (E), 3431, 3432, 3432.1, 3434, and 3443; adds C.C.P. Art. 3433)