

2024 Regular Session

SENATE BILL NO. 333

BY SENATOR MORRIS

CIVIL PROCEDURE. Provides for methods of enforcing mortgages. (8/1/24)

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AN ACT

To amend and reenact Code of Civil Procedure Art. 3721, relative to methods of enforcing mortgages; to provide relative to civil actions; to provide with respect to provisions of the judgment; to provide relative to specific amounts, costs, expenses, and fees; to provide relative to terms, conditions, procedures, and requirements; to provide relative to judicial process, collection proceedings, and sales under fieri facias; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Art. 3721 is hereby amended and reenacted to read as follows:

Art. 3721. Methods of enforcing mortgage

A. A conventional mortgage is enforced by ordinary or executory proceedings.

B. In any executory or ordinary proceeding to enforce a promissory note or other debt instrument combined with a mortgage or other security device, the judgment or order of executory process granted may include any amounts which accrue after the rendition of the judgment or order until the collateral is

1 **sold by judicial process pursuant to the provisions of the promissory note, debt**
2 **interest, or security device, including, without limitation, obligations to**
3 **reimburse advances for taxes and insurance, inspection or other fees provided**
4 **for by contract, reasonable attorney fees, and court costs. The provisions of this**
5 **Article shall be enforceable notwithstanding any other provision of law**
6 **requiring that a judgment or order specify a definite amount.**

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

	DIGEST	
SB 333 Original	2024 Regular Session	Morris

Present law (C.C.P. Art. 3721) provides that a conventional mortgage is enforced by ordinary or executory proceedings.

Proposed law provides that in any executory or ordinary proceeding to enforce a promissory note or other debt instrument combined with a mortgage or other security device, the judgment or order of executory process granted may include any amounts which accrue after the rendition of the judgment or order until the collateral is sold by judicial process pursuant to the provisions of the promissory note, debt interest, or security device, including, without limitation, obligations to reimburse advances for taxes and insurance, inspection or other fees provided for by contract, reasonable attorney fees, and court costs. Proposed law provides that proposed law shall be enforceable notwithstanding any other provision of law requiring that a judgment or order specify a definite amount.

Effective August 1, 2024.

(Amends C.C.P. Art. 3721)