

---

 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)]

---

SB 333 Engrossed

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 ordinary or executory proceeding to enforce a mortgage, privilege, or security interest, the judgment or order of executory process granted may include any amounts which accrue after the rendition of the judgment or order and until the judicial sale, 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 also provides that proposed law shall be enforceable notwithstanding any other provision of law requiring that a judgment or order specify a definite amount.

Proposed law provides that the seizing creditor or his counsel shall, upon the request of the sheriff, file into the record the payoff amount of the obligation being enforced including any amounts which have accrued after the issuance of the order of executory process or the judgment rendered in an ordinary proceeding prior to the date of the sheriff's sale.

Proposed law provides that any party with an interest in the property seized, including but not limited to mortgage and lien holders, and the defendant, may file a rule to show cause to traverse the payoff amount filed in accordance with proposed law.

Proposed law provides that a judicial sale shall be valid notwithstanding failure of an interested party to comply with the provisions of proposed law.

Effective August 1, 2024.

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

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Makes technical changes.
2. Requires the payoff amount of the obligation being enforced, including any amounts which accrued after the filing of the petition or rendition of the judgment or order, to be filed into the record prior to the date of the sheriff's sale.
3. Allows any party with interest in the property seized to traverse the payoff amount prior to the sheriff disbursing the funds from the judicial sale pursuant to the writ being executed.
4. Provides that a sheriff's or other sale shall be valid notwithstanding failure of a party to comply with the filing procedures.

Summary of Amendments Adopted by House

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

1. Specify that in any ordinary or executory proceeding to enforce a mortgage, privilege, or security interest, the judgment or order of executory process granted may include any amounts which accrue after the rendition of the judgment or order and until the judicial sale.
2. Require the seizing creditor or his counsel to file the payoff amount of the obligation being enforced including any amounts which have accrued after the issuance of the order of executory process or the judgment rendered in an ordinary proceeding prior to the date of the sheriff's sale upon the request of the sheriff.
3. Provide that a defendant may file a rule to show cause to traverse the payoff amount in accordance with proposed law.
4. Specify that judicial sales shall be valid notwithstanding a failure of an interested party to effectuate the provisions of proposed law.