

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 333

2024 Regular Session

Morris

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

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

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. 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.
2. Requires 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. Adds that a defendant may file a rule to show cause to traverse the payoff amount in accordance with proposed law.
4. Provides that judicial sales shall be valid notwithstanding a failure of an interested party to effectuate the provisions of proposed law.
5. Makes technical changes.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

SB 333 Engrossed

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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)

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