

RÉSUMÉ DIGEST

ACT 759 (SB 137)

2024 Regular Session

Miller

Prior law provided that regardless of whether a bank has received written notice of the death of its customer and regardless of any prior action by a bank to freeze or restrict access and transactions related to its deceased customer's safety deposit box, upon receipt of letters testamentary, letters of administration, or letters of independent administration, issued by a court of competent jurisdiction, a bank may grant access to or allow the transfer of the contents of a safety deposit box or money or other property titled in the name of its deceased customer to the succession representative.

New law retains prior law and clarifies that the letters testamentary, letters of administration, or letters of independent administration shall be issued by a court of competent jurisdiction in this state or any other state and adds that an estate representative can be appointed by the court.

New law provides that a bank may grant access to or allow the transfer of contents of a safety deposit box or money or other property titled in the name of the bank's deceased customer to the succession or estate representative appointed by a court outside of this state.

Prior law provided that a judgment of possession recognizing and putting the legatees or heirs in possession of the deceased customer estate shall constitute full and proper authority for the bank holding a safety deposit box or money or other property titled in the name of the deceased customer to transfer those assets to the legatees or heirs entitled to such property under the judgment of possession. Provided that when a bank makes such a transfer, there shall be full protection from the heir, legatee, creditor, or other person having any right or claim to money or property of its deceased customer, and the bank shall have no liability related to such transfer or transaction involving its deceased customer's safety deposit box or money or other property in the bank's possession.

New law retains prior law and clarifies that a judgment of possession or court order recognizing and putting the legatees or heirs in possession of the deceased customer's estate shall be issued by a court of competent jurisdiction in this state or any other state.

Prior law provided that conclusive proof to the bank of the letters or judgments and of the jurisdiction of the court rendering them shall result from copies thereof, duly certified when rendered by a court of this state, or certified according to the Acts of Congress when rendered by a court of any other state, or certified according to the law of the place with genuineness of the certification attested by a consular agent of the U.S. when rendered by a court of any foreign country.

New law retains prior law, except it removes the requirement that copies of the letters or judgments be certified according to the Acts of Congress.

Prior law provided that regardless of whether the association has received written notice of the death of its members or depositor and regardless of any prior action by an association to freeze or restrict access and transactions related to its deceased member's or depositor's shares or accounts, upon receipt of letters testamentary, letters of administration, or letters of independent administration, issued by a court of competent jurisdiction, appointing an authorized succession representative, an association may grant access to or allow the transfer of money or other property titled in the name of its deceased member or depositor to the succession representative.

Prior law provided that the letters of the succession representative shall constitute full and proper authority for the association to grant access to or allow the transfer of the withdrawal value of share accounts, demand accounts, deposit accounts, or saving accounts, and dividends or interest that may have accrued thereon or any money or property held in the name of the deceased member or depositor to such succession representative. Provides the association shall have no liability related to such activity or transaction involving its deceased member's or depositor's money or property in its possession, and the association shall have no liability for any inheritance tax due thereon.

Prior law provided that the association may continue to follow direction of the authorized succession representative related to the money or other property titled in its deceased member's or depositor's name, unless and until the association receives a subsequent order specifically naming the association and directing the association to cease following the written direction of the succession representative, or the association receives a subsequent order limiting or terminating authority of or replacing the succession representative.

New law retains prior law and clarifies that a letters testamentary, letters of administration, or letters of independent administration shall be issued by a court of competent jurisdiction in this state or any other state, and adds that an estate representative can be appointed by the court. Further provides that an association may grant access to or allow the transfer of money or other property titled in the name of the deceased member or depositor to the succession or estate representative appointed by a court outside of this state.

Prior law provided that regardless of whether an association has received written notice of the death of its customer and regardless of any prior action by an association to freeze or restrict access and transactions related to its deceased customer's safety deposit box, upon receipt of letters testamentary, letters of administration, or letters of independent administration, issued by a court of competent jurisdiction, appointing an authorized succession representative, an association may grant access to or allow the transfer of the contents of a safety deposit box titled in the name of its deceased customer, to the succession representative, and an association may otherwise follow whatever directions it receives from the succession representative.

Prior law provided that the letters of the succession representative shall constitute full and proper authority for allowing the succession representative to access, remove, or transfer the contents of a safety deposit box titled in the name of the deceased customer and the association shall have no liability related to such activity or transaction involving its deceased customer's safety deposit box.

Prior law provided that the association may continue to follow the direction of the authorized succession representative related to safety deposit boxes of its deceased customer, unless and until the association receives a subsequent order specifically naming and directing the association to cease following the written direction of the succession representative or receives a subsequent order limiting or terminating the authority of or replacing the succession representative.

New law retains prior law and clarifies that a letters testamentary, letters of administration, or letters of independent administration shall be issued by a court of competent jurisdiction in this state or any other state. Further provides that an association may grant access to or allow the transfer of contents of a safety deposit box titled in the name of the deceased customer to the succession or estate representative appointed by a court outside of this state.

Prior law provided that the receipt of a judgment of possession issued by a court of competent jurisdiction, recognizing and putting the legatees or heirs in possession of the deceased customer's estate shall constitute full and proper authority for the association holding a safety deposit box or other property titled in the name of the deceased customer's name to transfer those assets to the legatees or heirs entitled to such property under the judgment of possession. Provided when an association makes such a transfer, there shall be full protection to the association against any heir, legatee, creditor, or other person having any right or claim to funds or property of its deceased customer, and the association shall have no liability related to such transfer or transaction involving its deceased customer's safety deposit box or money or other property in the association's possession, and the association shall have no liability for any inheritance tax due thereon.

New law retains prior law and clarifies that a judgment of possession or court order recognizing and putting the legatees of heirs in possession of the deceased customer's estate, shall be issued by a court of competent jurisdiction in this state or any other state.

Prior law provided that upon receipt of letters testamentary, letters of administration, or letters of independent administration, issued by a court of competent jurisdiction, appointing any authorized succession representative, a credit union may grant access to or allow transfer of contents of a safety deposit box or money or other property titled in the name of its deceased member or depositor to the succession representative.

New law retains prior law and clarifies that the letters testamentary, letters of administration, or letters of independent administration shall be issued by a court of competent jurisdiction in this state or any other state, and adds that an estate representative can be appointed by the court. Further provides that a credit union may grant access to or allow the transfer of contents of a safety deposit box or money or other property titled in the name of the credit union's deceased member or depositor to the succession or estate representative appointed by a court outside of Louisiana.

Prior law provided that a judgment of possession issued by a court of competent jurisdiction recognizing and putting legatees or heirs in possession of the estate of its deceased member or depositor shall constitute full and proper authority for the credit union holding a safety deposit box or money or property titled in the name of the deceased member or depositor to transfer the property.

New law retains prior law and clarifies that a judgment of possession or court order recognizing and putting legatees or heirs in possession of the deceased member or depositor shall be issued by a court of competent jurisdiction in this state or any other state.

Prior law provided that conclusive proof to a credit union of the letters of testamentary, letters of administration, letters of independent administration of the succession representative or judgment of possession, issued by a court of competent jurisdiction, shall result from copies thereof, duly certified when rendered by a court of this state, or certified according to Acts of Congress when rendered by a court of any possession or dependency of the United States, or certified according to the law of the place with the genuineness of the certification attested by a consular agent of the United States when rendered by a court of any foreign country.

New law retains prior law, except it removes requirement that copies of the letters of judgments be certified according to Acts of Congress and instead adds the requirement that copies of the letters or judgments be certified according to the law of the place when rendered by a court of any possession or dependency of the United States.

Effective August 1, 2024.

(Amends R.S. 6:325(B), (C), and (D), 653.4(B) and (C), 767(C) and (D), and 768(B) and (C))