

Regular Session, 2014

HOUSE BILL NO. 622

BY REPRESENTATIVE ABRAMSON

CHILDREN/TUTORSHIP: Provides relative to tutorship proceedings

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 4134(C), relative to tutorship
3 proceedings; to provide for the effect of a certificate of mortgage; to provide that
4 certain certificates of mortgage do no constitute a legal mortgage; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Article 4134(C) is hereby amended and
8 reenacted to read as follows:

9 Art. 4134. Natural tutor; bond; recordation of certificate of inventory or detailed
10 descriptive list

11 * * *

12 C. The recordation operates as a legal mortgage for the amount of the
13 certificate in favor of the minor on all the immovable property of the tutor situated
14 within any parish where recorded. A certificate recorded in the amount of zero
15 dollars shall not create a legal mortgage. If the certificate does not contain the
16 information required by Paragraph A of this Article, it will not be effective against
17 third parties.

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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)]

Abramson

HB No. 622

Abstract: Provides relative to the certificate of inventory in tutorship proceedings and its effectiveness against third parties.

Present law provides that a natural tutor shall not be required to furnish bond, but shall record in the mortgage records of the parish of his domicile a certificate of the clerk setting forth the date of birth of the minor, the last four digits of the social security number of the tutor, and the total value of the minor's property according to the inventory or detailed descriptive list filed in the tutorship proceeding.

Present law provides that if the minor has no assets, then no certificate need be filed until he acquires assets.

Present law requires that the certificate be recorded in the mortgage records of every other parish in the state in which the tutor owns immovable property, and that the recordation operates as a legal mortgage for the amount of the certificate in favor of the minor on all the immovable property of the tutor.

Proposed law retains present law and provides that if the certificate recorded is in the amount of zero dollars, it shall not create a legal mortgage, and that if the certificate does not contain the information required by present law, it will not be effective against third parties.

(Amends C.C.P. Art. 4134(C))