
DIGEST

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HB 504 Reengrossed

2015 Regular Session

Jay Morris

Abstract: Prohibits the contradiction, under certain circumstances, of a donation inter vivos made in authentic form.

Proposed law provides that a donation inter vivos in authentic form may not be contradicted on the basis of lack of authentic form to the prejudice of a bona fide third party in good faith who after its recordation acquires an interest in or over the immovable property to which the donation relates.

Provides that proposed law shall apply to all donations of immovable property made prior to and on or after July 1, 2015, and any cause of action to assert the nullity of such a donation shall be brought no later than July 1, 2016, or one year from the recordation of the act of donation, whichever is later.

Proposed law emphasizes the intent of the legislature in response to the case of *Eschete v. Eschete*, 2012-CA-2059 (La. App. 1st Cir. 2/27/2014), 142 So.3d 985, in order to enforce the public records doctrine and to protect bona fide third parties who rely on such records in good faith.

(Adds R.S. 9:2371.1)

Summary of Amendments Adopted by House

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

1. Add a technical amendment.

The House Floor Amendments to the engrossed bill:

1. Prohibit a party from contradicting a donation inter vivos on the basis of lack of authentic form.
2. Require the action to assert a nullity to be brought no later than July 1, 2016, or one year from the recordation of the act of donation, whichever is later.