

2016 Regular Session

HOUSE BILL NO. 213

BY REPRESENTATIVE GAROFALO

CONDOMINIUMS: Provides with respect to condominium associations

1 AN ACT

2 To amend and reenact R.S. 9:1123.115(B), relative to condominiums; to provide for
3 privilege period for liens against condominium parcels; and to provide for related
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:1123.115(B) is hereby amended and reenacted to read as follows:

7 §1123.115. Privilege on immovables

8 * * *

9 B. A claim of privilege recorded, as set forth in Subsection A of this Section,
10 shall preserve the privilege against the condominium parcel for a period of ~~one year~~
11 five years from the date of recordation. The effect of recordation shall cease and the
12 privilege preserved by this recordation shall preempt unless a notice of filing of suit,
13 giving the name of the court, the title and number of the proceedings and date of
14 filing, a description of the condominium parcel and the name of the unit owner, on
15 ~~said the~~ claim is recorded within ~~one year~~ five years from the date of the recordation
16 of the inscription of the ~~said~~ claim. Such notice of filing suit shall preserve the
17 privilege until the court in which the suit is filed shall order the cancellation of the
18 inscription of the ~~said~~ claim and the notice of filing of suit on ~~said the~~ claim or until
19 the claimant authorizes the clerk of court or recorder of mortgages to cancel the ~~said~~
20 inscriptions.

21 * * *

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)]

HB 213 Original

2016 Regular Session

Garofalo

Abstract: Extends the prescriptive period for liens against a condominium parcel from one year to five years.

Present law provides that a recorded privilege against a condominium parcel preserves the right to file suit for one year from the date of recordation.

Proposed law extends the privilege to file suit against a condominium parcel from one year to five years from the date of recordation.

(Amends R.S. 9:1123.115(B))