

2016 Regular Session

HOUSE BILL NO. 269

BY REPRESENTATIVES GREGORY MILLER AND MIKE JOHNSON

(On Recommendation of the Louisiana State Law Institute)

SUCCESSIONS: Provides with respect to successions and donations

1 AN ACT

2 To amend and reenact Civil Code Article 1522 and Code of Civil Procedure Article 3396.9,
3 relative to successions and donations; to provide for separate donations of usufruct
4 and naked ownership; to provide for concurrence of an interdict or unemancipated
5 minor; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Civil Code Article 1522 is hereby amended and reenacted to read as
8 follows:

9 Art. 1522. Separate donations of usufruct and naked ownership.

10 ~~The same shall be observed as to the disposition inter vivos or mortis causa,~~
11 ~~by which the usufruct is given to one, and the naked ownership to another. A~~
12 disposition *inter vivos* or *mortis causa* by which the usufruct is given to one person
13 and the naked ownership to another is not a prohibited substitution.

14 Section 2. Code of Civil Procedure Article 3396.9 is hereby amended and reenacted
15 to read as follows:

16 Art. 3396.9. ~~Unemancipated~~ Interdicted or unemancipated minor

17 A. If a successor whose concurrence is required ~~for independent~~
18 ~~administration~~ is an unemancipated minor, the concurrence may be made on his
19 behalf by the administrator of his estate or his natural tutor, as appropriate, without
20 the need for a formal tutorship proceeding ~~and~~ or concurrence of an undertutor.

1 B. If a successor whose concurrence is required is an interdict, the
2 concurrence may be made on his behalf by the curator without the need for court
3 authorization in the interdiction proceeding or concurrence of the undercurator.

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 269 Engrossed

2016 Regular Session

Gregory Miller

Abstract: Provides for the continuous revision of the law of successions.

Present law (C.C. Art. 1522) provides that a disposition *inter vivos* or *mortis causa* wherein the usufruct is given to one person and the naked ownership to another is permissible under the law.

Proposed law does not change present law, but seeks to clarify that such a disposition is not a prohibited substitution.

Present law (C.C.P. Art. 3396.9) provides that if the successor is an unemancipated minor, concurrence may be made on his behalf by the administrator of his estate or his natural tutor, without the need for a formal tutorship proceeding.

Proposed law expands present law to also apply to interdicts.

(Amends C.C. Art. 1522 and C.C.P. Art. 3396.9)