

2016 Regular Session

HOUSE BILL NO. 213

BY REPRESENTATIVE GAROFALO

1 AN ACT

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

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:1123.115(B) is hereby amended and reenacted and R.S.
8 9:1123.115(A)(4) is hereby enacted to read as follows:

9 §1123.115. Privilege on immovables

10 A.

11 * * *

12 (4) If the condominium association files a lien pursuant to this Section and
13 the lien is for an amount of the assessment or dues secured by the privilege allowed
14 pursuant hereto that is not owed, in whole or in part, and any owner or interest holder
15 of the condominium unit affected by the privilege files suit to obtain a complete or
16 partial release of such lien or privilege, then in such event the condominium
17 association filing the lien shall be liable to the owner or interest holder in the
18 condominium for the expenses of obtaining the release, in whole or in part, including
19 reasonable attorney fees and all costs associated therewith.

20 B. A claim of privilege recorded, as set forth in Subsection A of this Section,
21 shall preserve the privilege against the condominium parcel for a period of ~~one year~~
22 five years from the date of recordation. The effect of recordation shall cease and the
23 privilege preserved by this recordation shall perempt unless a notice of filing of suit,
24 giving the name of the court, the title and number of the proceedings and date of

1 filing, a description of the condominium parcel and the name of the unit owner, on
 2 ~~said~~ the claim is recorded within ~~one year~~ five years from the date of the recordation
 3 of the inscription of the ~~said~~ claim. Such notice of filing suit shall preserve the
 4 privilege until the court in which the suit is filed shall order the cancellation of the
 5 inscription of the ~~said~~ claim and the notice of filing of suit on ~~said~~ the claim or until
 6 the claimant authorizes the clerk of court or recorder of mortgages to cancel the ~~said~~
 7 inscriptions.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____