

2020 Regular Session

HOUSE BILL NO. 142

BY REPRESENTATIVE ROBBY CARTER

SUCCESSIONS: Provides relative to successions

1 AN ACT

2 To amend and reenact Code of Civil Procedure Articles 3421, 3431(A), and 3432.1(A)(8),
3 relative to successions; to provide relative to the definition of small succession; to
4 authorize the administration of certain testate successions without court approval; to
5 provide for certain required information; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Articles 3421, 3431(A), and 3432.1(A)(8) are
8 hereby amended and reenacted to read as follows:

9 Art. 3421. Small successions defined

10 A. A small succession, within the meaning of this Title, is the succession or
11 the ancillary succession of a person who at any time has died and the decedent's
12 property in Louisiana has a gross value of one hundred twenty-five thousand dollars
13 or less valued as of the date of death or, if the date of death occurred at least twenty
14 years prior to the date of filing of a small succession affidavit as authorized in this
15 Title, leaving property in Louisiana of any value.

16 B. A small succession shall also include a succession of a person who has
17 died testate, leaving no immovable property, and probate of the testament of the
18 deceased would have the same effect as if the deceased had died intestate.

19 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 Art. 3431. Small successions; judicial opening unnecessary

2 A. It shall not be necessary to open judicially the small succession of a
3 person domiciled in Louisiana who died intestate or testate as provided by Article
4 3421(B), or domiciled outside of Louisiana who died intestate or whose testament
5 has been probated by court order of another state, and whose sole heirs are the
6 following:

- 7 (1) His descendants.
- 8 (2) His ascendants.
- 9 (3) His brothers or sisters, or descendants thereof.
- 10 (4) His surviving spouse.
- 11 (5) His legatees under a testament ~~probated by court order of another state.~~

12 * * *

13 Art. 3432.1. Affidavit for small succession for a person ~~domiciled outside of~~
14 ~~Louisiana~~ who died testate; contents

15 A. When it is not necessary under the provisions of Article 3431 to open
16 judicially a small succession, at least two persons, including the surviving spouse,
17 if any, and one or more competent legatees of the deceased, may execute one or
18 more multiple originals of an affidavit, duly sworn before any officer or person
19 authorized to administer oaths in the place where the affidavit is executed, setting
20 forth all of the following:

21 * * *

22 (8) An attachment consisting of certified copies of the testament and, if the
23 testament has been probated by court order of another state, the probate order of
24 ~~another~~ the other state.

25 * * *

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 142 Original

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Robby Carter

Abstract: Authorizes testate successions to be administered without judicial approval when the person has died testate, leaving no immovable property, and probate of the testament of the deceased would have the same effect as if the deceased had died intestate.

Present law provides for the definition and administration of small successions without the requirement of judicially opening the succession.

Proposed law retains present law and authorizes testate successions to be administered without judicial approval when the person has died testate, leaving no immovable property, and probate of the testament of the deceased would have the same effect as if the deceased had died intestate.

(Amends C.C.P. Arts. 3421, 3431(A), and 3432.1(A)(8))