
DIGEST

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HB 125 Reengrossed

2020 Regular Session

Gregory Miller

Abstract: Provides for miscellaneous revisions to the law of successions.

Present law (C.C. Art. 897) provides that ascendants inherit immovables that they gave to their children or descendants of a more remote degree when the donee dies without posterity and the immovable is part of the succession.

Proposed law does not change the law but simply updates the term "posterity."

Present law (C.C. Art. 1495) provides for the reduction of the legitime share of a forced heir to an intestate share in certain circumstances. This is known as the Greenlaw rule.

Proposed law does not change the law but moves the Greenlaw rule to proposed C.C. Art. 1495.1 to ensure its applicability to both the share of a forced heir in the first degree and a share of a forced heir by representation.

Proposed law (C.C. Art. 1495.1) provides for the calculation of an individual forced heir's legitime when all forced heirs are of the first degree and when one or more forced heirs are heirs by representation.

Present law (C.C. Art. 1505) provides for the calculation of the disposable portion of the mass of the succession.

Proposed law provides for the proper mathematical order of the calculation so that the value of the debts of a succession are subtracted prior to fictitiously adding donations within three years of the date of the donor's death.

Present law (C.C.P. Art. 2952) provides for the filing of a detailed descriptive list if no inventory of the property left by the deceased has been taken.

Proposed law provides that the detailed descriptive list may be sealed upon the request of an heir or legatee and authorizes the court to release relevant information.

Present law (C.C.P. Art. 3396.18) provides for the filing and sealing of an inventory or detailed descriptive list in an independent administration of a succession.

Proposed law clarifies that a judgment of possession is also required prior to the closing of an

independent administration of a succession.

Present law (R.S. 9:2401) provides for the effectiveness of a will executed outside of this state.

Proposed law repeals present law as duplicative because the Conflicts of Laws provisions in the Civil Code provide similar rules for the effectiveness of a will executed outside of this state.

(Amends C.C. Arts. 897, 1495, and 1505(A) and (B) and C.C.P. Arts. 2952 and 3396.18(A); Adds C.C. Art. 1495.1; Repeals R.S. 9:2401)

Summary of Amendments Adopted by House

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

1. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.