

2021 Regular Session

HOUSE BILL NO. 295

BY REPRESENTATIVE SEABAUGH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PROPERTY/IMMOVABLE: Provides relative to immovable property in successions

1 AN ACT

2 To amend and reenact Code of Civil Procedure Articles 3421(B) and 3434(C)(1), relative
3 to immovable property in successions; to provide relative to the definition of small
4 succession; to provide relative to the small succession affidavit; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Articles 3421(B) and 3434(C)(1) are hereby
8 amended and reenacted to read as follows:

9 Art. 3421. Small successions defined

10 * * *

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

14 * * *

15 Art. 3434. Endorsed copy of affidavit authority for delivery of property

16 * * *

17 C.(1) A multiple original of the affidavit, ~~to which has been attached a~~
18 ~~certified copy of the deceased's death certificate~~, shall be recorded in the conveyance
19 records in the office of the clerk of court in the parish where any immovable property

1 described therein is situated, after at least ninety days have elapsed from the date of
2 the deceased's death.

3 * * *

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 295 Original

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Seabaugh

Abstract: Redefines small succession and alters the affidavit requirements of a small succession.

Present law (C.C.P. Art. 3421) defines small successions as a person who at any time has died and the decedent's property has a gross value of \$125,000 or less.

Present law (C.C.P. Art. 3421) provides that a small succession shall also include a succession of a person who has died testate, provided they leave no immovable property and probate of the testament would have had the same effect as if the deceased died intestate.

Proposed law (C.C.P. Art. 3421(B)) retains present law but removes the prohibition of immovable property for deceased individuals who died testate and whose probated testament had the same effect as if the deceased died intestate.

Present law (C.C.P. Art. 3434) provides for a certified copy of the deceased's death certificate be attached to a small succession affidavit.

Proposed law (C.C.P. Art. 3434(C)(1)) removes the present law requirement to attached the deceased's death certificate.

(Amends C.C.P. Arts. 3421(B) and 3434(C)(1))