

2022 Regular Session

HOUSE BILL NO. 1008

BY REPRESENTATIVE ROBBY CARTER

WILLS/TESTAMENTS: Provides for proof of an olographic testament

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 2883(A), relative to testaments; to
3 provide relative to olographic testaments; to provide for evidence; and to provide for
4 related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Article 2883(A) is hereby amended and
7 reenacted to read as follows:

8 Art. 2883. Olographic testament

9 A. The olographic testament must be proved by clear and convincing
10 evidence by the testimony of two credible witnesses that the testament was entirely
11 written, dated, and signed in the testator's handwriting. The court must satisfy itself,
12 through interrogation or from the written affidavits or the depositions of the
13 witnesses, that the handwriting and signature are those of the testator, and except as
14 provided in Article 2890, must mention these facts in its proces verbal.

15 * * *

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 1008 Original

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Abstract: Provides that an olographic testament must be proved by clear and convincing evidence.

Present law provides that an olographic testament must be proved by the testimony of two credible witnesses that the testament was entirely written, dated, and signed in the testator's handwriting.

Proposed law retains present law and provides that the olographic testament must be proved by clear and convincing evidence.

(Amends C.C.P. Art. 2883(A))