

SENATE COMMITTEE AMENDMENTS

2022 Regular Session

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 494
by Senator Foil

1 AMENDMENT NO. 1

2 On page 1, line 2, after "and 2721(B)," insert "to enact R.S. 13:4341(A)(1) and (2), and to
3 to enact Code of Civil Procedure Art. 2371(A), (B), (C), (D), and (E),"

4 AMENDMENT NO. 2

5 On page 1, line 3, after "executory proceedings;" insert "to provide relative to judicial sales;"

6 AMENDMENT NO. 3

7 On page 1, line 4, after "notice of seizure;" insert "to provide relative to superior mortgage
8 or privilege;"

9 AMENDMENT NO. 4

10 On page 1, delete lines 5 and 6, and insert "sheriff's sales; to provide with respect to
11 adjudication; to provide for online or other means of electronic auction of seized property;
12 to provide relative to requirements, time, location, and procedure of sale; and to provide for
13 related matters."

14 AMENDMENT NO. 5

15 On page 1, between lines 7 and 8, insert the following:

16 Section 1. R.S. 13:4341(A)(1) and (2) are hereby enacted to read as follows:

17 "§4341. Time and place of sale; adjournments, Orleans Parish excepted

18 A.(1) All public sales by auction, the parish of Orleans excepted, when made
19 by sheriffs, coroners, constables, auctioneers, or succession representatives shall be
20 advertised to take place;

21 (a) At the courthouse, any courthouse annex if located in the same parish as
22 the courthouse but on the opposite side of any navigable river, or at some other
23 public place in the vicinity of the courthouse, on any Monday, Wednesday, Friday,
24 or Saturday of the month, beginning at 10:00 a.m., after the expiration of the time
25 required by law for the advertisement of such sales; and the sheriff, coroner,
26 constable, auctioneer, or succession representative may adjourn the sale to the
27 following legal day, and then, from day to day, only in case there shall not be time
28 to conclude the sale in one day; **or**

29 **(b) An online auction conducted as provided in Code of Civil Procedure**
30 **Article 2371.**

31 ~~(2)However;~~ **Notwithstanding the provisions of this Subsection,** nothing
32 contained herein shall deprive the defendant of the privilege now enjoyed by him of
33 having his movable property, when it is under seizure, offered for sale at his
34 domicile, upon his giving notice to the proper officer within three days after notice
35 of seizure. In the sales of succession property, consisting of only movable property
36 or of both movable and immovable property, the succession representative may pray
37 that the sale of the succession movable property be made on the premises.

38 * * *

39 AMENDMENT NO. 6

40 On page 1, line 8, change "Section 1." to "Section 2."

1 AMENDMENT NO. 7

2 On page 1, line 9, after "amended and reenacted" insert "and Code of Civil Procedure Art.
3 2371(A), (B), (C), (D), and (E) are hereby enacted"

4 AMENDMENT NO. 8

5 On page 1, delete line 11

6 AMENDMENT NO. 9

7 On page 2, line 4, after "conduct an online" insert ", or other means of electronic"

8 AMENDMENT NO. 10

9 On page 2, line 5, after "requirements of" change "the" to "this"

10 AMENDMENT NO. 11

11 On page 2, line 14, after "if a sheriff" insert "elects to", change "conducts" to "conduct",
12 and after "an online" insert ", or other means of electronic"

13 AMENDMENT NO. 12

14 On page 2, line 15, after "shall be announced" change "online on" to "through"

15 AMENDMENT NO. 13

16 On page 2, between lines 15 and 16, insert the following:

17

18 "Art. 2371. Effect of adjudication; **auction**

19

20 **A.** The adjudication transfers to the purchaser all the rights and claims of the
21 judgment debtor as completely as if the judgment debtor had sold the property.

22

23 **B.** The sheriff may conduct the adjudication in person or through an
24 online or other electronic bidding process. The adjudication shall be conducted
25 over the course of multiple hours or days, during which bids may be placed at
26 any time on property subject to the sale and upon which bidding has not closed,
27 provided that all sales of property are scheduled to close on a weekday within
28 the hours of 10:00 a.m and 3:00 p.m. A bid placed within five minutes of the
29 closing time shall have the effect of extending the bid closing time to five
30 minutes following the bid, unless another bid is received within such time. The
31 process shall repeat until five minutes has elapsed without a bid being made.

32

33 **C.** The sheriff shall assign the seizing creditor a login identification so
34 that the seizing creditor can be present and may bid at the sale in the manner
35 provided by Code of Civil Procedure Article 2338. If a debtor notifies the
36 sheriff that he does not have access to a computer to bid through the online or
37 other electronic bidding process on the debtor's property which is subject to the
38 sale, then the sheriff shall make accommodations which allow the debtor to
39 make bids. The debtor shall provide the notice required by this Paragraph, to
40 the sheriff no later than the start of the online or other electronic auction.

41

42 **D.** The sheriff may impose reasonable limits on those persons authorized
43 to bid at an online or other electronic bidding process, including, payment of a
44 deposit or proof of availability of funds.

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46 **E.** The sheriff shall require the winning bidder of an online or other
47 electronic bidding process to make payment of immediately available funds in
48 the amount of the highest bid, no later than 5:00 p.m. on the business day
49 following the close of the auction."

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