
HOUSE COMMITTEE AMENDMENTS

2023 Regular Session

Amendments proposed by House Committee on Civil Law and Procedure to Original House
Concurrent Resolution No. 121 by Representative Gaines

1 AMENDMENT NO. 1**2** On page 1, delete lines 9 through 14 in their entirety and insert the following:**3** "WHEREAS, the costs for succession proceedings for successions having a gross
4 value of more than one hundred twenty-five thousand dollars, or successions having a gross
5 value of one hundred twenty-five thousand and less that may be required to be opened
6 judicially, may be a reason discouraging heirs from opening judicially a succession for a
7 deceased family member; and**8** WHEREAS, an individual who wishes to open judicially a succession and who is
9 unable to pay the costs of court because of his poverty and lack of means, may not avail
10 himself of the ability to open judicially a succession without paying the costs in advance or
11 as they accrue as provided for in Code of Civil Procedure Articles 5181 through 5188; and**12** WHEREAS, more study is needed to determine if there is a way to apply the
13 provisions in Code of Civil Procedure Articles 5181 through 5188 to open judicially a
14 succession; and"**15** AMENDMENT NO. 2**16** On page 1, line 16, after "families" and before "may" insert "where the only asset may be
17 a low value residence, or an undivided interest in immovable property,"**18** AMENDMENT NO. 3**19** On page 1, line 18, after "WHEREAS," and before "only" insert the following:**20** "pursuant to Article VII, Section 20 of the Constitution of Louisiana, homestead exemption
21 is limited to land that is owned and occupied by persons who own and occupy the land in
22 indivision and the homestead exemption is limited to the pro rata ownership interest of that
23 person or persons occupying the homestead; and"**24** AMENDMENT NO. 4**25** On page 2, delete lines 1 through 3 in their entirety and insert the following:**26** "WHEREAS, without a judgment of possession rendered in a succession opened
27 judicially or an affidavit of small succession recognizing the ownership interest of a person
28 or persons who are residing on the property, those persons who otherwise would be entitled
29 to claim homestead exemption may not do so; and"**30** AMENDMENT NO. 5**31** On page 2, line 4, after "succession" and before "proceeding" insert "opened judicially or an
32 affidavit of small succession" and delete "to encourage the proper transfer of ownership"