

RÉSUMÉ DIGEST

ACT 90 (SB 32)

2024 Regular Session

Miller

Existing law (C.C.P. Art. 3421) defines a small succession as the succession of a person who died leaving property with a gross value of \$125,000 or less and the succession of a person who died testate without leaving immovable property if probate thereof would be the same as if the person died intestate.

New law clarifies existing law by retaining the definition of a small succession for a person who dies domiciled in La. leaving property valued at \$125,000 or less and for the ancillary succession of a person who dies domiciled outside of La. leaving property valued at \$125,000 or less.

New law further provides that a small succession may also include the succession of a person who dies testate in La. leaving immovable property valued at \$125,000 or less.

Existing law (C.C.P. Art. 3422) provides for reduced court costs for small successions.

New law retains the reduction in court costs but eliminates the five-dollar minimum.

Existing law (C.C.P. Art. 3422.1) provides for small successions when immovable property has been damaged by disaster or catastrophe.

New law retains and reorganizes existing law.

Existing law (C.C.P. Art. 3431) provides that it is not necessary to judicially open a succession in certain circumstances.

New law retains some of existing law and additionally provides that it is not necessary to judicially open a succession for a decedent who died testate in La. if the value of property is less than \$125,000, immovable property is not transferred, and all of the persons who would inherit agree to waive probate.

New law further provides that it is not necessary to judicially open a succession for a decedent who died outside of La. if the value of the property is less than \$125,000 and the testament was probated by a foreign court.

Existing law (C.C.P. Art. 3432) provides an affidavit procedure for small successions.

New law retains this affidavit procedure for small successions for persons who died intestate and authorizes curators to execute the affidavit on behalf of interdicts.

Existing law (C.C.P. Art. 3432.1) provides an affidavit procedure for small successions for persons who died testate.

New law retains this affidavit procedure for small successions for persons who died testate in La. without immovable property. New law eliminates the need for certified copies and authorizes curators to execute the affidavit on behalf of interdicts.

Existing law (C.C.P. Art. 3433) adds a new affidavit procedure for small successions for persons who died testate outside of La.

New law requires the affidavit to include facts relative to the date of death, marital status, residence, names of legatees and heirs, property descriptions, and affirmations along with a copy of the probate order of the other jurisdiction.

Existing law (C.C.P. Art. 3434) provides that an endorsed copy of the affidavit provides sufficient authority for the payment of money or the delivery of property.

New law retains existing law and makes technical corrections.

Existing law (C.C.P. Art. 3443) provides for the sale of succession property with proper notice.

New law retains existing law and makes technical corrections.

Effective August 1, 2024.

(Amends C.C.P. Arts. 3421, 3422, 3422.1(B), (C), and (E), 3431, 3432, 3432.1, 3434, and 3443; adds C.C.P. Art. 3433)