
DIGEST

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Richardson

HB No. 262

Abstract: Provides that a certified reproduction of a security agreement shall be deemed as authentic evidence in an action for executory process.

Present law provides a listing of documentary evidence that shall be deemed as authentic evidence in an action for executory process, which includes:

- (1) The note, bond, or other instrument evidencing the obligation secured by the mortgage, security agreement, or privilege, paraphed for identification with the act of mortgage or privilege by the notary or other officer before whom it is executed, with the exception that a paraph is not necessary in connection with a note secured by a security agreement subject to Chapter 9 of the La. Commercial Laws or a copy of the note, bond, or other instrument evidencing the obligation certified as such by the notary before whom the act of mortgage, security agreement, or privilege was executed.
- (2) A certified copy or a duplicate original of an authentic act.
- (3) A certified copy of any judgment, judicial letters, or order of court.
- (4) A copy of a resolution of the board of directors, or other governing board of a corporation, authorizing or ratifying the execution of a mortgage on its property, certified in accordance with the provisions of R.S. 13:4103.
- (5) A security agreement subject to Chapter 9 of the La. Commercial Laws, which need not be executed or acknowledged before a notary.
- (6) A certified copy of the limited liability company's articles of organization filed with the secretary of state or a written consent or extract of minutes of a meeting of the persons specified in R.S. 13:4103.1, in each case authorizing or ratifying the execution of an act of mortgage on its property and in the form required by R.S. 13:4103.1, certified as provided in R.S. 12:1317(C).
- (7) A certified copy of the contract of partnership authorizing the execution of an act of mortgage filed for registry with the secretary of state.
- (8) All other documentary evidence recognized by law as authentic.

Present law (R.S. 13:3733.1(E)) provides a form for certification of duplicates of financial institution records.

Proposed law retains present law, and includes a certified reproduction of a security agreement as authentic evidence in an action for executory process.

(Amends C.C.P. Art. 2636(5))