
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Julie J. Baxter.

DIGEST

Present law provides that, for notices of seizure, the sheriff to whom the writ is directed shall make three notices setting forth the title of the action, its docket number, the court which issued the writ, the amount of the judgment or claim specified in the writ, an exact copy of the description of the immovable property furnished him, the fact that the sheriff is seizing the property, and the date of the first scheduled sale of the property.

Proposed law provides that, in addition to those items, the sheriff's notice of seizure shall provide information concerning the property owner's rights and the availability of housing counseling services. Further provides that when a scheduled sale date changes, the sheriff shall make a number of amended notices equal to the number of original notices made within three days of the change to the scheduled sale date.

Present law provides that the sheriff may use the form set out in R.S. 13:3852 for a notice of seizure.

Proposed law provides that the sheriff shall use the form set out in R.S. 13:3852 for a notice of seizure.

Present law provides the form the sheriff may use for a notice of seizure.

Proposed law adds to the form the sheriff shall use for notice of seizure information that the defendant has the legal right to bring his account in good standing by entering into a loss mitigation agreement with his lender, or by paying all his past due payments plus permitted costs and expenses within the time permitted by law for reinstatement of his account. Further includes in the notice of seizure form that foreclosure prevention counseling services, including loss mitigation, are provided free of charge. Further includes in the form for notice of seizure advice that the U.S. Department of Housing and Urban Development and the Louisiana Housing Corporation provide local housing counseling services.

Present law provides that after seizure of property, the sheriff shall serve promptly upon the judgment debtor a written notice of seizure and list of property seized, in the manner provided for service of citation. If service cannot be made on the judgment debtor or his attorney of record, the court shall appoint an attorney to serve. The notice of seizure shall be substantially similar to the form provided in R.S. 13:3852.

Proposed law provides that the sheriff's service shall be at least 90 days prior to the scheduled sale date, and shall be accomplished by personal or domiciliary service. Removes the option of appointing an attorney for service. Proposed law provides that the notice of seizure shall be in the form provided in R.S. 13:3852, and provides that the form shall include information

concerning the property owner's rights and availability of housing counseling services, as well as time, date, and place of sheriff's sale. Proposed law provides that, in the event the date of sale changes, the sheriff shall serve upon the judgment debtor by personal or domiciliary service an amended written notice of the seizure within five days of the schedule change.

Present law provides that, in the execution of a writ of seizure and sale, the sheriff shall serve upon the defendant a written notice of the seizure of the property.

Proposed law provides that the sheriff shall serve such written notice upon the defendant by personal or domiciliary service at least 90 days prior to the scheduled sale date. Proposed law further provides that the notice of seizure shall be in accordance with the form provided in R.S. 13:3852, and provides that the form shall include information concerning the property owner's rights and the availability of housing counseling services, as well as the time, date, and place of the sheriff's sale. Proposed law further provides that when a scheduled sale date changes, the sheriff shall serve upon the judgment debtor an amended written notice of the seizure within five days of the schedule change.

Effective August 1, 2013.

(Amends R.S. 13:3852 and C.C.P. Arts. 2293(B)(1) and 2721(B))