

2016 Regular Session

HOUSE BILL NO. 288

BY REPRESENTATIVE GAROFALO

CIVIL/PROCEDURE: Provides with respect to release of judicial mortgages from property acquired in bankruptcy proceeding

1 AN ACT

2 To amend and reenact R.S. 9:5175(C)(1) and (2)(a), relative to bankruptcy debtors; to
3 provide relative to procedures for releasing judgments against discharged bankruptcy
4 debtors; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:5175(C)(1) and (2)(a) are hereby amended and reenacted to read
7 as follows:

8 §5175. Order of discharge in bankruptcy; effect

9 * * *

10 C.(1) A judgment debtor may obtain a partial cancellation of the inscription
11 of a judgment as it affects property not owned by the judgment debtor on the date of
12 his filing a petition under Chapter 7 or Chapter 13 of the United States Bankruptcy
13 Code upon the filing of an affidavit in accordance with this Subsection.

14 (2) The affidavit shall contain all of the following:

15 (a) A statement that the judgment debtor filed a petition under Chapter 7 or
16 Chapter 13 of the United States Bankruptcy Code.

17 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 288 Original

2016 Regular Session

Garofalo

Abstract: Adds Chapter 13 bankruptcy debtors to those who may obtain a partial cancellation of the inscription of judgments.

Present law provides a procedure for partially releasing judgments against discharged Chapter 7 bankruptcy debtors.

Proposed law extends the procedure for partially releasing judgments to include Chapter 13 bankruptcy debtors.

(Amends R.S. 9:5175(C)(1) and (2)(a))