

SENATE BILL NO. 709

BY SENATOR DUPLESSIS

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AN ACT

To amend and reenact R.S. 35:199(A)(2) and to repeal R.S. 44:184.2, relative to notaries; to provide for the registration, recordation, and filing of notarial instruments in Orleans Parish; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 35:199(A)(2) is hereby amended and reenacted to read as follows:

§199. ~~Recordation of acts affecting immovable property~~ **Duty to file, register, or record notarial instruments**

A. Notaries public shall record all acts of sale, exchange, donation, and mortgage of immovable property passed before them, together with all resolutions, powers of attorney, and other documents annexed to or made part of the acts, in their proper order, and after first making a careful record of the acts in record books to be kept for that purpose as follows:

* * *

(2)(a) If the immovable is situated within the parish of Orleans, the notary shall file the instrument in the office of the custodian of notarial records for the parish of Orleans and record the instrument with the register of conveyances or recorder of mortgages or both. ~~in accordance with the provisions of R.S. 35:323(B).~~

(b) If the instrument is an act of sale or any other act evidencing a transfer of ~~real~~ **immovable** property situated in the parish of Orleans, it shall be the duty of the notary to:

(i) ~~file~~ **File** a copy of the instrument with the board of assessors for the parish of Orleans within fifteen days from the date of sale or transfer. Whenever there is

1 annexed to such act any sketch, blueprint, or survey that forms part of the act, the
2 copy filed with the board of assessors shall have attached a copy of the sketch,
3 blueprint, or survey.

4 (ii) Cause the act to be registered with the office of the clerk as the
5 recorder for the parish of Orleans, within forty-eight hours after the passage of
6 the act.

7 (c) The original of every authentic act, except chattel mortgages and acts
8 relating to immovable property outside of Orleans Parish, passed before a
9 notary public in Orleans Parish, and also every act, contract, and instrument
10 except money judgments and chattel mortgages filed for record in the offices of
11 either the recorder of mortgages or the registrar of conveyances for the parish
12 of Orleans, shall, as a condition precedent to such filing in the office of the
13 recorder of mortgages or the register of conveyances for the parish of Orleans,
14 be first filed in the notarial archives of the parish of Orleans.

15 * * *

16 Section 2. R.S. 44:184.2 is hereby repealed in its entirety.

17 Section 3. This Act shall become effective upon signature by the governor or, if not
18 signed by the governor, upon expiration of the time for bills to become law without signature
19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
21 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____