

2017 Regular Session

HOUSE BILL NO. 121

BY REPRESENTATIVE GREGORY MILLER

(On Recommendation of the Louisiana State Law Institute)

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SUCCESSIONS: Provides relative to a detailed descriptive list in an independent administration of estates

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 3396.18, relative to the independent
3 administration of estates; to provide for the sealing of the detailed descriptive list;
4 to provide court authorization for the release of relevant information to certain
5 parties; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Article 3396.18 is hereby amended and reenacted
8 to read as follows:

9 Art. 3396.18. Inventory or sworn descriptive list

10 A. Before the succession can be closed and the independent administrator
11 discharged, there must be filed an inventory or sworn detailed descriptive list of
12 assets and liabilities of the estate verified by the independent administrator.

13 B. ~~A successor shall not be placed in possession of property without the~~
14 ~~filing of an inventory or sworn descriptive list of assets and liabilities. The successor~~
15 ~~may be placed in possession by a final or partial judgment of possession. The~~
16 detailed descriptive list shall be sealed upon the request of an independent
17 administrator, heir, or legatee.

18 C. If the detailed descriptive list is sealed, a copy shall be provided to the
19 decendent's universal successors and surviving spouse. Upon motion of any
20 successor, surviving spouse, or creditor of the estate, the court may furnish relevant

1 information contained in the detailed descriptive list regarding assets and liabilities
2 of the estate.

3 Revision Comments - 2017

4 (a) The 2017 revision changes the law insofar as it attempts to strike an
5 appropriate balance between publicity regarding the assets and liabilities of a
6 decedent and privacy of the decedent and his successors.

7 (b) Paragraph A maintains the prior law requiring the production and filing
8 of the detailed descriptive list. Under Paragraph B of the revision, however, the
9 independent administrator or an heir or legatee of the decedent may request that the
10 detailed descriptive list be sealed and therefore shielded from general availability to
11 the public.

12 (c) Paragraph C recognizes that the privacy of the parties requesting the
13 sealing of the detailed descriptive list cannot prejudice the rights of those parties with
14 a legitimate interest in the assets and liabilities of the succession. Therefore, if
15 sealed, copies of the detailed descriptive list must be provided to all of the decedent's
16 universal successors as well as the surviving spouse. Even after the sealing of the
17 detailed descriptive list, these same parties may have a need for the information at
18 a later time. Other parties, such as particular legatees or creditors of the estate, may
19 also have a legitimate interest in relevant information regarding the assets and
20 liabilities of the decedent. Consequently, upon appropriate motion of any successor,
21 surviving spouse, or creditor of the estate, a court may provide information that, in
22 the court's discretion, is relevant to the party's request. The appropriate information
23 to be furnished to the requesting party is likely to differ depending upon the
24 requesting party and the reason for the request. In some instances, it may be
25 appropriate for the court to furnish the entire detailed descriptive list to the
26 requesting party, but in other instances a redacted version or excerpted portion may
27 be more appropriate.

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 121 Original

2017 Regular Session

Gregory Miller

Abstract: Provides for the sealing of a detailed descriptive list in the independent administration of a succession.

Present law requires the independent administrator to file a verified inventory or sworn descriptive list prior to closing a succession.

Proposed law retains present law.

Present law provides that a successor shall not be placed in possession of property without this filing.

Proposed law deletes present law and provides that the detailed descriptive list shall be sealed upon request.

Proposed law further provides that if the detailed descriptive list is sealed, a copy shall be provided to universal successors and the surviving spouse, and a court may furnish relevant information to any successor, spouse, or creditor of the estate.

(Amends C.C.P. Art. 3396.18)