

RÉSUMÉ DIGEST

ACT 19 (HB 125)

2020 Regular Session

Gregory Miller

Existing law (C.C. Art. 897) provides that ascendants inherit immovables that they gave to their children or descendants of a more remote degree when the donee dies without posterity and the immovable is part of the succession.

New law makes a technical change.

Prior law (C.C. Art. 1495) provided for the reduction of the legitime share of a forced heir to an intestate share in certain circumstances. This is known as the Greenlaw rule.

New law moves the Greenlaw rule to new law C.C. Art. 1495.1 and provided for its applicability to both the share of a forced heir in the first degree and a share of a forced heir by representation.

New law (C.C. Art. 1495.1) provides for the calculation of an individual forced heir's legitime when all forced heirs are of the first degree and when one or more forced heirs are heirs by representation.

New law (C.C. Art. 1505) provides for the calculation of the disposable portion of the mass of the succession.

New law provides for the proper mathematical order of the calculation so that the value of the debts of a succession are subtracted prior to fictitiously adding donations within three years of the date of the donor's death.

Existing law (C.C.P. Art. 2952) provides for the filing of a detailed descriptive list if no inventory of the property left by the deceased has been taken.

New law provides that the detailed descriptive list may be sealed upon the request of an heir or legatee and authorizes the court to release relevant information.

Existing law (C.C.P. Art. 3396.18) provides for the filing and sealing of an inventory or detailed descriptive list in an independent administration of a succession.

New law clarifies that a judgment of possession is also required prior to the closing of an independent administration of a succession.

Prior law (R.S. 9:2401) provides for the effectiveness of a will executed outside of this state.

New law repeals prior law as duplicative because the Conflicts of Laws provisions in the Civil Code provide similar rules for the effectiveness of a will executed outside of this state.

Effective Aug. 1, 2020.

(Amends C.C. Arts. 897, 1495, and 1505(A) and (B) and C.C.P. Arts. 2952 and 3396.18(A); Adds C.C. Art. 1495.1; Repeals R.S. 9:2401)