
DIGEST

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Kostelka

SB No. 60

Present law provides that a liberative prescription of 5 years is applicable to an action for annulment of a testament, an action for the reduction of an excessive donation, and an action for the rescission of a partition and warranty of portions. Proposed law retains present law, and adds to list an action for damages for the harvesting of timber without the consent of the owner.

Present law provides civil and criminal penalties for the cutting of trees without the consent of the owner or legal possessor. Proposed law retains present law and adds that a civil action pursuant to the present law is subject to a liberative prescriptive period of 5 years.

Present law provides certain requirements for the sale and removal of timber from lands with co-owners or co-heirs. Proposed law retains present law and adds that a civil action pursuant to the present law is subject to a liberative prescriptive period of 5 years.

Effective August 15, 2009.

(Amends C.C. Art. 3497; adds R.S. 3:4278.1(G) and 4278.2(G))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill.

1. Makes technical change.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the reengrossed bill.

1. Restricts the action for damages to those actions for, rather than caused by, the harvesting of timber without the consent of the owner.