

2017 Regular Session

HOUSE BILL NO. 129

BY REPRESENTATIVE DAVIS

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

SUCCESSIONS: Provides relative to small successions

1 AN ACT

2 To amend and reenact Code of Civil Procedure Articles 3421 and 3422(1), relative to
3 successions; to provide for the definition of a small succession; to provide relative
4 to court costs; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Articles 3421 and 3422(1) are hereby amended
7 and reenacted to read as follows:

8 Art. 3421. Small successions defined

9 A small succession, within the meaning of this Title, is the succession or the
10 ancillary succession of a person who at any time has died ~~leaving~~ and the decedent's
11 property in Louisiana ~~having~~ has a gross value of ~~seventy-five~~ one hundred twenty-
12 five thousand dollars or less valued as of the date of death or, if the date of death
13 occurred at least ~~twenty-five~~ twenty years prior to the date of filing of a small
14 succession affidavit as authorized in this Title, leaving property in Louisiana of any
15 value.

16 Art. 3422. Court costs; commissions

17 In judicial proceedings under this Title, the following schedule of costs,
18 commissions, and fees shall prevail:

- 1 (1) Court costs for successions valued less than seventy-five thousand dollars
 2 shall be one-half the court costs in similar proceedings in larger successions, but the
 3 minimum costs in any case shall be five dollars; and
 4 * * *

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 129 Engrossed

2017 Regular Session

Davis

Abstract: Modifies the definition of a small succession, and provides that court costs in successions valued at less than \$75,000 shall be 1/2 of costs in similar proceedings in larger successions.

Present law provides that a decedent's property must have a gross value of \$75,000 or less to qualify as a small succession.

Proposed law increases the gross value of a decedent's property from \$75,000 to \$125,000 to qualify as a small succession.

Present law also defines a small succession as a succession involving property of any value if the filing of the small succession affidavit occurs at least 25 years after the date of the decedent's death.

Proposed law changes present law to define a small succession as property of any value if the filing of the small succession affidavit occurs at least 20 years after the date of the decedent's death.

Present law provides for court costs and commissions in small succession judicial proceedings.

Proposed law amends present law to provide that for successions valued at less than \$75,000 the court costs shall be 1/2 the costs in similar proceedings in larger successions.

(Amends C.C.P. Arts. 3421 and 3422(1))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Decrease the gross value of a decedent's property in proposed law from \$150,000 to \$125,000 to qualify as a small succession.
2. Provide that court costs for successions valued at less than \$75,000 are 1/2 the court costs in similar proceedings in larger successions.