
DIGEST

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HB 173 Original

2018 Regular Session

Garofalo

Abstract: Modifies the prescriptive period for certain successors of decedents and adds a prescriptive period for actions by independent succession representatives.

Present law (R.S. 9:5630) provides that an action by a successor of a decedent not recognized in a judgment of possession against a third person who acquired an interest in immovable property by onerous title is prescribed in two years from the finality of the judgment of possession.

Proposed law provides that the action is prescribed in two years from the recording of the judgment of possession in the parish in which the property is located.

Present law (R.S. 9:5632) provides that any action against succession representatives, tutors, and curators claiming defective legal procedure or noncompliance with the law in the alienation, encumbrance, or lease of movable or immovable property is prescribed two years from the making of the alienation, encumbrance, or lease.

Proposed law maintains present law but provides that the prescriptive period also applies to actions by independent succession representatives.

(Amends R.S. 9:5630(A) and 5632)