

2018 Regular Session

HOUSE BILL NO. 173

BY REPRESENTATIVE GAROFALO

1 AN ACT

2 To amend and reenact R.S. 9:5630(A) and 5632, relative to successions; to provide relative
3 to actions by successors; to provide relative to prescription; and to provide for related
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:5630(A) and 5632 are hereby amended and reenacted to read as
7 follows:

8 §5630. Actions by unrecognized successor against third persons

9 A. An action by a person who is a successor of a deceased person, and who
10 has not been recognized as such in the judgment of possession rendered by a court
11 of competent jurisdiction, to assert an interest in an immovable formerly owned by
12 the deceased, against a third person, or his successors, who has acquired an interest
13 in the immovable by onerous title from a person recognized as an heir or legatee of
14 the deceased in the judgment of possession, ~~or his successors~~, is prescribed in two
15 years from the date of the rendering of the judgment of possession ~~of the finality of~~
16 ~~the judgment of possession~~.

17 * * *

18 §5632. Actions against succession representatives, tutors, and curators; defect in
19 alienations, encumbrances, or leases ~~private sales or mortgages~~

20 A. When the legal procedure is defective or does not comply with the
21 requisites of law in the alienation, encumbrance, or lease of movable or immovable
22 property made by a legal representative of a succession, minor, or interdict, provided
23 an order of court has been entered authorizing such alienation, encumbrance, or

1 lease, any action shall be prescribed against by those claiming such defect or lack of
2 compliance after the lapse of two years from the time of making such alienation,
3 encumbrance, or lease.

4 B. This prescriptive period shall also apply to an alienation, encumbrance or
5 lease of movable or immovable property by an independent succession representative
6 provided an order of court has been entered authorizing independent administration.

7 C. This Section shall be applied both retrospectively and prospectively,
8 however, any person whose rights would be adversely affected by this Section, shall
9 have six months from July 10, 1990, within which to assert the action described in
10 Subsection A of this Section and if no such action is instituted within that time, such
11 claim shall be forever barred.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____