

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<sub>2</sub> 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.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_