2021 Regular Session

HOUSE BILL NO. 264

BY REPRESENTATIVE SEABAUGH

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

SALES: Provides for advertisement of judicial sales

1	AN ACT
2	To amend and reenact Code of Civil Procedure Article 2331 and R.S. 43:201(A) and 203(2),
3	relative to judicial sales; to provide for writs of fieri facias, to provide for
4	advertisement and legal notices; to provide for time requirements; to provide for
5	rescheduled sales; and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. Code of Civil Procedure Article 2331 is hereby amended and reenacted
8	to read as follows:
9	Art. 2331. Publication of notice of sale
10	<u>A.</u> Notice of the sale of property under a writ of fieri facias shall be
11	published at least once for movable property, and at least twice for immovable
12	property, in the manner provided by law. The court may order additional
13	publications.
14	B. Notwithstanding the requirements of Paragraph A of this Section, if a
15	judicial sale of immovable property is cancelled or postponed and rescheduled for
16	a later date, notice of sale of property under a writ of fieri facias shall be published
17	once in the manner provided by law.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	$\underline{C}$ . The sheriff shall not order the advertisement of the sale of the property
2	seized until three days, exclusive of holidays, have elapsed after service on the
3	judgment debtor of the notice of seizure, as provided in Article 2293.
4	* * *
5	Section 2. R.S. 43:201(A) and 203(2) are hereby amended and reenacted to read as
6	follows:
7	§201. Judicial advertisements and legal notices; parishes outside parish of Orleans
8	A. All parishes of the state, outside of the parish of Orleans, when
9	advertisements or publication of notices are required to be made in relation to
10	judicial proceedings, or in the sale of property under judicial process, or in any other
11	legal proceedings of any kind, shall publish them in an English language newspaper
12	published in an office physically located in the parish in which the proceedings are
13	carried on. The newspaper shall be selected by the sheriff, constable, clerk, or other
14	officer, as the case may be, who is charged with the conduct of the sale or
15	proceeding. The official whose responsibility it is to select a newspaper shall make
16	his selection in June of each year for a term of one year. If there is no newspaper
17	published in the parish, all advertisements or notices shall be made by posting them
18	at or near the front door of the courthouse, or the place used as such, and by posting
19	them at any of the following places:
20	(1) at At two other public places in different parts of the parish.
21	(2) On the sheriff's website for the parish in which the judicial sale is to be
22	conducted.
23	(3) On a website provided by the parish government for the parish in which
24	the judicial sale is to be conducted.
25	* * *

1	§203. Judicial advertisements, publication, exceptions
2	When publication is required by law of any notice of a judicial sale, or of the
3	filing of a tableau of distribution, account, application for appointment or for
4	authority, or of any other notice in a judicial proceeding:
5	* * *
6	(2) When two publications are required of notice of a judicial sale by public
7	auction, the first newspaper advertisement of such notice shall be published at least
8	thirty fourteen days before the date of the judicial sale, and the second advertisement
9	shall be published not earlier than seven days before, and not later than the day
10	before, the judicial sale;
11	* * *

## 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 264 Original	2021 Regular Session	Seabaugh
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Abstract: Provides for time requirements and publication requirements for sheriff sales.

<u>Present law</u> (C.C.P. Art. 2331) provides for the publication of notice of the sale of property under a writ of fieri facias shall be published twice for immovable property.

<u>Proposed law</u> (C.C.P. Art. 2331) retains <u>present law</u> but provides that if a judicial sale of immovable property is rescheduled, the notice of sale of property shall be published once.

<u>Present law</u> (R.S. 43:201) provides for judicial advertisements and legal notices for parishes outside of Orleans Parish.

<u>Present law</u> (R.S. 43:201(A)) provides that if there is no newspaper published in the parish, all advertisements shall be made by posting them near the front door of the courthouse and at two other public places in different parts of the parish.

<u>Proposed law</u> (R.S. 43:201(A)) retains <u>present law</u> but provides that the notice may be posted on the sheriff's website or a website provided by the parish government.

Present law (R.S. 43:203) provides for the publication of notices of judicial sale.

<u>Present law</u> (R.S. 43:203(2)) provides that the first newspaper advertisement of the notice of judicial sale shall be published at least 30 days before the date of the judicial sale.

<u>Proposed law</u> (R.S. 43:203(2)) changes <u>present law</u> advertisement requirement <u>from</u> 30 days to at least 14 days before the date of the judicial sale.

(Amends C.C.P. Art. 2331 and R.S. 43:201(A) and 203(2))

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