HLS 21RS-734 **ENGROSSED** 

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. 43:203(2), relative to
3	judicial sales; to provide for writs of fieri facias, to provide for advertisement and
4	legal notices; to provide for time requirements; to provide for rescheduled sales; and
5	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	A. 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 underscored are additions.

1 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. 43:203(2) is hereby amended and reenacted to read as follows: 6 §203. Judicial advertisements, publication, exceptions 7 When publication is required by law of any notice of a judicial sale, or of the 8 filing of a tableau of distribution, account, application for appointment or for 9 authority, or of any other notice in a judicial proceeding: 10 11 (2) When two publications are required of notice of a judicial sale by public 12 auction, the first newspaper advertisement of such notice shall be published at least 13 thirty fourteen days before the date of the judicial sale, and the second advertisement 14 shall be published not earlier than seven days before, and not later than the day 15 before, the judicial sale; 16

## 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)]

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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.

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.

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

## Summary of Amendments Adopted by House

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

1. Remove references and changes to R.S. 43:201(A), which provides for judicial advertisements and legal notices for parishes outside of Orleans Parish.