

2021 Regular Session

HOUSE BILL NO. 295

BY REPRESENTATIVE SEABAUGH

1 AN ACT

2 To amend and reenact Code of Civil Procedure Articles 3431(A) and 3434(C)(1) and to
3 repeal Code of Civil Procedure Article 3421(B), relative to immovable property in
4 successions; to provide relative to the definition of small succession; to provide
5 relative to the small succession affidavit; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Articles 3431(A) and 3434(C)(1) are hereby
8 amended and reenacted to read as follows:

9 Art. 3431. Small successions; judicial opening unnecessary

10 A. It shall not be necessary to open judicially the small succession of a
11 person domiciled in Louisiana who died intestate ~~or testate as provided by Article~~
12 ~~3421(B), or who died testate and probate of the testament of the deceased would~~
13 have the same effect as if the deceased had died intestate or a person domiciled
14 outside of Louisiana who died intestate or whose testament has been probated by
15 court order of another state, and whose sole ~~heirs~~ successors are the following:

- 16 (1) His descendants.
- 17 (2) His ascendants.
- 18 (3) His brothers or sisters, or descendants thereof.
- 19 (4) His surviving spouse.
- 20 (5) His legatees under a testament probated by court order of another state.

21 * * *

22 Art. 3434. Endorsed copy of affidavit authority for delivery of property

23 * * *

1 C.(1) A multiple original of the affidavit, to which has been attached a
 2 ~~certified~~ copy of the deceased's death certificate or which is an authentic act, shall
 3 be recorded in the conveyance records in the office of the clerk of court in the parish
 4 where any immovable property described therein is situated, after at least ninety days
 5 have elapsed from the date of the deceased's death.

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7 Section 2. Code of Civil Procedure Article 3421(B) is hereby repealed in its entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____