

2026 Regular Session

HOUSE RESOLUTION NO. 160

BY REPRESENTATIVE MUSCARELLO

PROPERTY: Authorizes and requests the Louisiana State Law Institute to study provisions regarding transfer of property

1 A RESOLUTION

2 To authorize and request the Louisiana State Law Institute to study and make
3 recommendations regarding the transfer of property with respect to the public
4 records doctrine and the ruling in *Simmesport State Bank v. Roy*, 614 So.2d 265 (La.
5 Ct. App. 3d Cir. 1993).

6 WHEREAS, Civil Code Article 2502 provides that a person may transfer to another
7 whatever rights to a thing he may then have, without warranting the existence of any such
8 rights. The Article further provides that the transfer does not give rise to a presumption of
9 bad faith on the part of the transferee and is a just title for the purposes of acquisitive
10 prescription; and

11 WHEREAS, Civil Code Article 2502 provides that if the transferor acquires
12 ownership of the thing after having transferred his rights to it, the after-acquired title of the
13 transferor does not inure to the benefit of the transferee; and

14 WHEREAS, currently, Civil Code Article 3338 provides that the rights and
15 obligations established or created by certain written instruments are without effect as to a
16 third person unless the instrument is registered by recording it in the appropriate mortgage
17 or conveyance records; and

18 WHEREAS, the court in *Simmesport State Bank v. Roy*, 614 So.2d 265 (La. Ct. App.
19 3d Cir. 1993) ruled that a third-party purchaser engaged in fraudulent behavior or bad faith
20 is not entitled to protection afforded by the public records doctrine; and

1 WHEREAS, House Bill No. 630 of the 2026 Regular Session attempts to cure the
2 practical issues stemming from the court ruling in *Simmesport* that negatively impact the
3 application of Civil Code Article 2502; and

4 WHEREAS, it is the intent of the legislature to ensure that purchasers relying on the
5 public records doctrine in good faith are not collaterally affected by the implications of
6 *Simmesport*.

7 THEREFORE, BE IT RESOLVED that the House of Representatives of the
8 Legislature of Louisiana does hereby authorize and request the Louisiana State Law Institute
9 to study and make recommendations regarding the transfer of property with respect to the
10 public records doctrine and the ruling in *Simmesport State Bank v. Roy*, 614 So.2d 265 (La.
11 Ct. App. 3d Cir. 1993), and to report its findings to the House of Representatives no later
12 than January 4, 2027.

13 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
14 director of the Louisiana State Law Institute.

15 BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit
16 one printed copy and one electronic copy of any report produced pursuant to this Resolution
17 to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

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)]

HR 160 Original

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Muscarello

Authorizes and requests the La. State Law Institute to study and make recommendations regarding the transfer of property with respect to the public records doctrine and the ruling in *Simmesport State Bank v. Roy*, 614 So.2d 265 (La. Ct. App. 3d Cir. 1993), and to report its findings to the House of Representatives no later than Jan. 4, 2027.