

2026 Regular Session

HOUSE RESOLUTION NO. 160

BY REPRESENTATIVE MUSCARELLO

A RESOLUTION

To authorize and request the Louisiana 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).

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

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

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

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

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

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

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby authorize and request the Louisiana 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 January 4, 2027.

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

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES