Regular Session, 2006

HOUSE BILL NO. 1222

BY REPRESENTATIVE GALLOT

1 AN ACT 2 To amend and reenact R.S. 35:199 and 281 and to repeal R.S. 9:2741 and 2745 and R.S. 3 35:282, 283, 284, 285, and 286, relative to notaries public; to provide for the 4 consolidation of provisions relative to the duty to record certain acts in all parishes; 5 to provide for penalties for failure to record; to provide for exceptions; and to 6 provide for related matters. 7 Be it enacted by the Legislature of Louisiana: 8 Section 1. R.S. 35:199 and 281 are hereby amended and reenacted to read as 9 follows: 10 §199. Acts affecting property in Orleans Parish; filing acts; penalty for violation 11 Recordation of acts affecting immovable property 12 Notaries outside the Parish of Orleans who pass acts of sale and acts of 13 mortgage affecting property located in the Parish of Orleans shall, within fifteen days 14 after the passage of such acts, deposit them in the office of the Custodian of Notarial 15 Records of the Parish of Orleans, who shall receive and file them. The custodian 16 may charge a filing fee of not more than twenty five cents for each act filed. 17 Any notary who violates the provisions of this Section is guilty of a 18 misdemeanor and shall be fined not more than twenty five dollars, at the discretion 19 of the court. 20 A. Notaries public shall record all acts of sale, exchange, donation, and 21 mortgage of immovable property passed before them, together with all resolutions, 22 powers of attorney, and other documents annexed to or made part of the acts, in their 23 proper order, and after first making a careful record of the acts in record books to be 24 kept for that purpose as follows:

ENROLLED

ACT No. 730

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

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1	(1) If the immovable is located in this state outside of the parish of Orleans,
2	the notary shall record the instrument within fifteen days after they are passed, with
3	the appropriate recorder of the parish or parishes in which the immovable property
4	is situated.
5	(2)(a) If the immovable is situated within the parish of Orleans, the notary
6	shall file the instrument in the office of the custodian of notarial records for the
7	parish of Orleans and record the instrument with the register of conveyances or
8	recorder of mortgages or both in accordance with the provisions of R.S. 35:323(B).
9	(b) If the instrument is an act of sale or any other act evidencing a transfer
10	of real property situated in the parish of Orleans, it shall be the duty of the notary to
11	file a copy of the instrument with the board of assessors for the parish of Orleans
12	within fifteen days from the date of sale or transfer. Whenever there is annexed to
13	such act any sketch, blueprint, or survey that forms part of the act, the copy filed
14	with the board of assessors shall have attached a copy of the sketch, blueprint, or
15	survey.
16	B. The provisions of Subsection A of this Section shall not be applicable to
17	instruments affecting cemetery plots and shall not be so construed as embracing
18	inventories or partitions or any other act required by law to be performed by notaries
19	or parish recorders under any order of court, but the original of all such acts, without
20	being recorded, shall be returned to the court from which the order is issued.
21	C. All notaries who contravene the provisions of this Section shall be subject
22	to a fine of two hundred dollars for each infraction of the same, to be recovered
23	before any court of competent jurisdiction, one-half for the benefit of the informer,
24	as well as all such damages as the parties may suffer thereby.
25	D. A notary public shall be relieved of his obligations under Paragraph
26	(A)(1) and Subparagraph (A)(2)(a) of this Section when he has been expressly
27	directed in writing by all parties to the instrument to defer or refrain from such
28	recordation or to deliver the instruments to one of the parties or to another person.
29	* * *

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1	§281. Act evidencing transfer of real property Change of address in Orleans Parish;
2	filing with board of assessors
3	A. Whenever an act of sale or any other act evidencing a transfer of real
4	property situated in the parish of Orleans is passed before a notary public, it shall be
5	the duty of the notary to file a copy of any such act with the board of assessors for
6	the parish of Orleans within fifteen days from the date of sale or transfer.
7	B. Whenever a taxpayer who owns property situated in the parish of Orleans
8	changes his home or mailing address, notice of such change shall within thirty days
9	be given to the Board of Assessors for the parish of Orleans. Such notice shall list
10	each property situated in the parish of Orleans in which the taxpayer has an interest.
11	Failure to give such notice shall cause the taxpayer to forfeit all claims for failure to
12	timely receive a tax bill.
13	Section 2. R.S. 9:2741 and 2745 and R.S. 35:282, 283, 284, 285, and 286 are hereby
14	repealed in their entirety.
15	Section 3. The Louisiana State Law Institute is hereby directed to redesignate and
16	renumber the provisions of R.S. 35:281, as amended by this Act, in an appropriate section
17	in Title 47 of the Louisiana Revised Statutes of 1950.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____