
DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

McMains, Ansardi

HB No. 633

Abstract: Provides for housekeeping amendments to the revised Articles on the law of successions, as approved by Acts 1997, No. 1421, effective July 1, 1999.

Present law (C.C. Art. 942) provides that an action to declare a successor unworthy may be brought by a person who would succeed in place or in concurrence with the person to be declared unworthy.

Proposed law allows the court to appoint an attorney to represent the minor or interdicted person when the person who may bring the action is a minor or interdict.

Present law (C.C. Art. 946) provides that when a successor is declared unworthy, and the decedent dies testate, the succession rights devolve in accordance with the provisions for testamentary accretion.

Proposed law provides that in the situation where testamentary accretion is applicable the result is the same as if the unworthy successor had predeceased the testator.

Present law (C.C. Art. 952) provides that an acceptance or renunciation of rights to succeed is null if a testament is subsequently probated.

Proposed law provides that such an acceptance is also null when a testament is given the effect of probate.

Present law (C.C. Art. 965) provides that in testamentary succession, the rights of a legatee who renounces accrete to his descendants by roots, and if none exist, then in accordance with the rules for lapsed legacies.

Proposed law provides that accretion is to benefit the person that would have succeeded to the legacies if the legatee had predeceased the decedent.

Present law (C.C. Art. 1416) provides that universal successors are liable to creditors of the estate to the extent of the value of the property received by them and its fruits and products.

Proposed law provides that the universal successors' liability extends only to the value of property received.

Present law (C.C. Art. 1575) provides that an olographic testament must be written, dated, and signed by the testator.

Proposed law provides that neither the signature nor the date is required to be at the end of the testament, and that the date is sufficiently indicated if it can be reasonably ascertained from information in the testament as clarified by extrinsic evidence.

Present law (C.C. Art. 1577) provides formal requirements for notarial testaments.

Proposed law provides minor semantic changes without changing the law.

Present law (C.C. Art. 1593) provides that, where the legatee is a child or sibling of the testator, if a legacy lapses other than by renunciation, accretion takes place in favor of the legatee's descendants by roots.

Proposed law eliminates the renunciation exception.

Present law (C.C. Art. 1597) provides that a legacy is extinguished to the extent that the property given in the legacy is lost or destroyed before the death of the testator.

Proposed law provides that a legacy is not extinguished when the object of the legacy has been transformed into a similar object or has been condemned or expropriated and an uncollected award or right of action is available.

Present law (C.C. Art. 1559) provides grounds for revocation of inter vivos donation.

Proposed law (C.C. Art. 1610.1) provides that the same grounds for the revocation of donations inter vivos are sufficient to revoke testamentary dispositions.

(Amends C.C. Arts. 942, 946, 952, 965, 1416, 1575, 1577, 1593, and 1597;
Adds C.C. Art. 1610.1)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Provides that the date in an olographic testament is sufficiently indicated if the day, month, and year can be ascertained from information in the testament as clarified by extrinsic evidence.
2. Directs the Louisiana State Law Institute to review the comments to this Act and submit changes for publication in the Civil Code.