

2015 Regular Session

HOUSE BILL NO. 422

BY REPRESENTATIVE GAROFALO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

NOTARIES: Provides relative to affidavits of corrections

1

AN ACT

2 To amend and reenact R.S. 35:2.1(A)(1), relative to affidavits of corrections; to provide
3 relative to the filing of affidavits of corrections; to provide for the applicability to
4 certain acts affecting movable or immovable property; to authorize certain persons
5 to execute affidavits of corrections; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 35:2.1(A)(1) is hereby amended and reenacted to read as follows:

8 §2.1. Affidavit of corrections

9 A.(1) ~~A~~ Any clerical error in a notarial act or deed affecting movable or
10 immovable property or any other rights, corporeal or incorporeal, including but not
11 limited to acts of sale, donations, encumbrances, sheriff's deeds, and sales by public
12 bodies, may be corrected by an act of correction executed by any of the following:

13 (a) The person who was the notary or one of the notaries before whom the
14 act was passed.

15 (b) The notary who actually prepared the act containing the error.

16 (c) In the event the person defined in Subparagraphs (a) or (b) of this
17 Paragraph is deceased, incapacitated, or whose whereabouts are unknown, then by
18 a Louisiana attorney or notary who has possession of the records of that person,
19 which records contain information to support the correction.

1 (d) Any attorney or notary who certifies that he has inspected and examined
2 the public records and any other relevant factual information affecting the property
3 and states that the records contain obvious and apparent clerical errors and who
4 itemizes and sets forth by specific reference the documents evidencing the errors.

5 * * *

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)]

HB 422 Original

2015 Regular Session

Garofalo

Abstract: Authorizes any attorney or notary who examines the public records and states that the records contain obvious and apparent clerical errors to execute an affidavit of corrections.

Present law provides that a clerical error in a notarial act affecting movable or immovable property or any other rights may be corrected by an act of correction executed by person who was the notary before whom the act was passed, the notary who actually prepared the act containing the error, or if either are dead or incapacitated, a notary who has possession of the records of that person.

Proposed law specifies extends present law to deeds affecting movable or immovable property such as acts of sale, donations, encumbrances and sales by public bodies.

Proposed law provides that an attorney, in addition to a notary, in possession of the records, and that any attorney or notary who certifies that he has examined the public records and who states that the records contain obvious and apparent clerical errors may execute the affidavit of corrections.

(Amends R.S. 35:2.1(A)(1))