

Proposed law provides that evidence of the recorded assignment be made part of any authenticated record filed in an executory or ordinary foreclosure action pursuant to R.S. 10:9-629.

Proposed law provides that the obligor on a mortgage instrument shall have the right to recover damages for an assignee's willful failure to comply with proposed law. Provides that damages shall not exceed three times the actual damages plus attorney fees and court costs, but in no event shall be less than \$500.

Present law authorizes the clerks of court as ex officio recorders to charge certain fees for services, including:

- (1) For filing and recording any document, \$25 dollars per book for the first page and \$10 for each subsequent page per book up to 10 pages. All documents that exceed 10 pages, \$25 for the first page and eight dollars for each subsequent page.
- (2) For indexing of all documents filed for record for each name after the first name that is required to be indexed, five dollars per name.

Proposed law retains present law and adds that the funds derived from that portion of the fees and any penalties collectable pursuant to Civil Code Art. 3339 regarding the filing of assignments of mortgages and notes shall be expended exclusively as follows:

- (1) 60% shall be retained by the ex officio recorder.
- (2) 40% shall be paid to the Louisiana Housing Trust.

Effective August 1, 2015.

(Amends CC Art. 3338 and adds R.S. 13:844(F))