The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Lebra R. Bias.

DIGEST

SB 55 Original 2023 Regular Session Luneau

Present law provides that a nonresident succession representative may appoint a state resident to represent him in all acts of his administration by executing a power of attorney.

Proposed law changes present law by providing that a nonresident succession representative may execute a procuration or mandate to appoint a state resident to represent the nonresident succession representative in all acts of his administration.

Present law provides that a resident succession representative may appoint an agent to represent him when temporarily absent from the state. Proposed law retains present law and further provides that a succession representative may appoint an agent to alienate, acquire, lease, or encumber specific property on specific terms.

Proposed law provides that a procuration or mandate granted for the purposes of present law may either state the specific terms of the transaction or state that the succession representative has approved of the terms of the transaction.

Present law provides for the filing of the power of attorney in the record of the succession proceeding.

Proposed law changes present law by providing for the filing of the procuration or mandate rather than the power of attorney in the record of the succession proceeding which shall not need court approval.

Effective July 1, 2023.

(Amends C.C.P. Art. 3191(B))