

RÉSUMÉ DIGEST

ACT 38 (SB 55)

2023 Regular Session

Luneau

Prior law provided 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.

New law changes prior 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.

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

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

Prior law provided for the filing of the power of attorney in the record of the succession proceeding.

New law changes prior 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))