

---

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Murray to Engrossed Senate Bill No. 22 by Senator Murray

---

1 AMENDMENT NO. 1

2 On page 1, line 2, after "3434," insert

3 "and to enact Code of Civil Procedure Article 3422.1,"

4 AMENDMENT NO. 2

5 On page 1, line 4, after "effects;" insert "to provide relative to certain immovable property;"

6 AMENDMENT NO. 3

7 On page 1, line 9, after "reenacted" insert

8 ", and Code of Civil Procedure Article 3422.1 is hereby enacted,"

9 AMENDMENT NO. 4

10 On page 2, between lines 3 and 4, insert

11 **"Art. 3422.1. Small succession immovable property damaged by disaster**  
12 **or catastrophe**

13 **A. The provisions of this Article shall apply to immovable**  
14 **property, subject to a small succession proceeding, that is damaged by a**  
15 **disaster or catastrophe for which a declaration of emergency or federal**  
16 **declaration of disaster or emergency was issued.**

17 **B. In the absence of a written agreement among co-owners for the**  
18 **use and management of such immovable, any public entity or agent of**  
19 **such entity may conclusively presume that a co-owner in possession of the**  
20 **immovable for more than one year has been appointed by all other co-**  
21 **owners to manage, administer, restore and repair the immovable, and to**  
22 **receive, disperse and account for funds given to him by the public entity**  
23 **solely for the purposes of such repair and restoration.**

24 **C. The power of the managing co-owner shall include the power to**  
25 **execute mortgages in order to secure funds for the purposes of repair and**  
26 **restoration of the immovable, and also to encumber the immovable with such**  
27 **restrictions as may be required by the public entity, without the need to**  
28 **obtain the concurrence of the other co-owners.**

29 **D. Possession of the immovable by the managing co-owner shall be**  
30 **considered as having continued during any period such co-owner has been**  
31 **forced to leave the immovable due to fire, hurricane, flood, or other disaster**  
32 **or catastrophe.**

33 **E. The management of the immovable by the co-owner shall be**  
34 **subject to the laws of negotiorum gestio and mandate applicable to the other**  
35 **co-owners. However, the provisions of this Article shall control to the extent**  
36 **of any conflict.**

37 **F. It is the intent of the legislature that the provisions of this Article**  
38 **be liberally construed in order to allow the maximum possible rehabilitation,**  
39 **restoration, and rebuilding of immovable property in this state, subject to a**  
40 **small succession proceeding, that has been damaged by disaster or**  
41 **catastrophe.**

42 **G. The provisions of this Article shall expire on January 1, 2013.**

43 \* \* \*