

Regular Session, 2012

HOUSE BILL NO. 470

BY REPRESENTATIVE ABRAMSON

NOTARIES: Expands the list of notaries having authority to execute corrective acts

1 AN ACT

2 To amend and reenact R.S. 35:2.1(A), relative to notaries; to provide for the execution of an
3 act of correction; to provide for notaries who may execute an act of correction; to
4 provide for the form of the act of correction; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

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

7 §2.1. Affidavit of corrections

8 A.(1) A clerical error in a notarial act affecting movable or immovable
9 property or any other rights, corporeal or incorporeal, may be corrected by an act of
10 correction executed by any of the following:

11 (a) The person who was the notary or one of the notaries before whom the
12 act was passed, ~~or by the~~.

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

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

18 (2) The act of correction shall be executed ~~by the notary~~ before two
19 witnesses and ~~another~~ a notary public.

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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)]

Abramson

HB No. 470

Abstract: Authorizes a notary to execute an act of correction of a clerical error when the notary who executed the original act is deceased or incapacitated or whose whereabouts are unknown.

Present law provides that a clerical error in a notarial act affecting movable or immovable property or any other rights, corporeal or incorporeal, may be corrected by an act of correction executed by the notary or one of the notaries before whom the act was passed, or by the notary who actually prepared the act containing the error.

Proposed law provides that an act of correction may also be executed by a La. notary who has possession of the records of the notary who executed the original act if that person is deceased, incapacitated, or his whereabouts are unknown.

Present law requires that the act of correction be executed by the notary before two witnesses and another notary public.

Proposed law requires that the act or correction be executed before two witnesses and a notary public.

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