

Regular Session, 2014

SENATE BILL NO. 242

BY SENATOR MORRELL

SHERIFFS. Provides relative to sheriffs appointing non-licensed appraisers. (8/1/14)

AN ACT

To amend and reenact R.S. 13:4364(A) and 4365(B), relative to sheriffs; to provide relative to sheriffs appointing appraisers in certain cases; to prohibit convicted felons from being appointed as appraisers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:4364(A) and 4365(B) are hereby amended and reenacted to read as follows:

§4364. Sheriff to appoint appraiser if party does not appoint; delivery of appraisal

A. If a party neglects to appoint an appraiser or to notify the sheriff within the time designated, the sheriff shall appoint an appraiser for him. **The sheriff shall not appoint any convicted felon as an appraiser.**

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§4365. Oaths of appraisers; sheriff appoints third appraiser if two cannot agree; minute, written appraisal; delivery

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B. If the appraisers cannot agree, and (1) the difference in value between the two appraisals does not exceed two hundred and fifty thousand dollars, and (2) the

1 value assigned by the lower of the two appraisers is at least ninety percent of the
2 value assigned by the higher of the two appraisers, then the sheriff shall average the
3 two figures and use the average as the appraised value for purposes of determining
4 the opening bid. In those cases where the two appraisers do not agree and the values
5 are not within the averaging limits, then the sheriff shall appoint a third appraiser,
6 who shall also be sworn, **who shall not be a convicted felon**, and whose decision
7 shall be final.

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The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Cathy Wells

DIGEST

Morrell (SB 242)

Present law authorizes sheriffs to appoint an appraiser if a party neglects to appoint an appraiser, to notify a sheriff within the time designated, or when two appraisers do not agree and the values are not within the averaging limits.

Present law (R.S. 37:3393(5)) provides that persons are exempt from the real estate appraiser licensing requirements when engaged by a sheriff to make an appraisal in cases where a party neglects to appoint an appraiser, to notify a sheriff within the time designated, or when two appraisers do not agree and the values are not within the averaging limits.

Proposed law retains present law and prohibits a sheriff from appointing a convicted felon as an appraiser.

Effective August 1, 2014.

(Amends R.S. 13:4364(A) and 4365(B))