

Regular Session, 2014

SENATE BILL NO. 376

BY SENATOR PEACOCK

FAMILY LAW. Provides relative to certain testamentary revocations. (8/1/14)

1 AN ACT

2 To amend and reenact Civil Code Art. 1608, relative to revocation of legacies or other
3 testamentary provisions; to provide relative to divorced testators; to provide relative
4 to revocations of certain testamentary designations or appointments; to provide
5 relative to application; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Civil Code Art. 1608 is hereby amended and reenacted to read as follows:

8 Art. 1608. Revocation of a legacy or other testamentary provision

9 Revocation of a legacy or other testamentary provision occurs when the
10 testator:

11 (1) So declares in one of the forms prescribed for testaments.

12 (2) Makes a subsequent incompatible testamentary disposition or provision.

13 (3) Makes a subsequent inter vivos disposition of the thing that is the object
14 of the legacy and does not reacquire it.

15 (4) Clearly revokes the provision or legacy by a signed writing on the
16 testament itself.

17 (5) Is divorced from the legatee after the testament is executed and at the

1 time of his death, unless the testator provides to the contrary. Testamentary
2 designations or appointments of a spouse are revoked under the same circumstances.
3 **The provisions of this Paragraph shall apply to testaments regardless of their**
4 **date of execution.**

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Julie J. Baxter.

DIGEST

Peacock (SB 376)

Present law provides that revocation of a legacy or other testamentary provision occurs under certain circumstances.

Present law provides that one such circumstance when a legacy or other testamentary provision is revoked is when the testator is divorced from the legatee after the testament is executed and at the time of his death, unless the testator provides to the contrary.

Present law further provides that testamentary designations or appointments of a spouse are revoked under the same circumstances.

Proposed law provides that the provisions of present law shall apply to testaments regardless of their date of execution.

Effective August 1, 2014.

(Amends C.C. Art. 1608)