

2015 Regular Session

HOUSE BILL NO. 687

BY REPRESENTATIVE HAZEL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TRUSTS: Provides relative to the recordation of trust extracts

1 AN ACT

2 To amend and reenact R.S. 9:2092(B)(2) and to enact R.S. 9:2029.1 and 2092(B)(1)(g),
3 relative to the recordation of an extract of trust; to provide limitations under certain
4 conditions on the transfer of property owned by a trust; to provide for certain
5 information included in a recorded extract of trust; to provide for the effectiveness
6 against third parties; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 9:2092(B)(2) is hereby amended and reenacted and R.S. 9:2029.1
9 and 2092(B)(1)(g) are hereby enacted to read as follows:

10 §2029.1. Termination of trust; immovable property owned by trust

11 If a trust owns immovable property at the time the trust terminates and the
12 date of termination is not discernable on the face of the recorded trust agreement or
13 extract of trust, the termination shall not cause the dispositive provisions of the trust
14 to have their ultimate effect insofar as third persons are concerned until an act
15 evidencing such termination has been recorded in the conveyance records of the
16 clerk of court of the parish in which the immovable property is located or there is an
17 actual conveyance by the trustee to its beneficiaries pursuant to the termination of
18 the trust.

19 * * *

20 §2092. Recordation of instruments

21 * * *

Proposed law deletes present law and provides that when an extract of trust is recorded, any limitation or restriction in the trust instrument on the power of the trustee to sell, lease, or mortgage immovable property shall not be effective against third persons unless it is noted or recited in the extract of trust.

(Amends R.S. 9:2092(B)(2); Adds R.S. 9:2092.1 and 2092(B)(1)(g))