2016 Regular Session

HOUSE BILL NO. 213

BY REPRESENTATIVE GAROFALO

CONDOMINIUMS: Provides with respect to condominium associations

1	AN ACT
2	To amend and reenact R.S. 9:1123.115(B) and to enact R.S. 9:1123.115(A)(4), relative to
3	condominiums; to provide for privilege period for liens against condominium
4	parcels; to provide relative to incorrect lien filings; and to provide for related
5	matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 9:1123.115(B) is hereby amended and reenacted and R.S.
8	9:1123.115(A)(4) is hereby enacted to read as follows:
9	§1123.115. Privilege on immovables
10	А.
11	* * *
12	(4) If the condominium association files a lien pursuant to this Section and
13	the lien is for an incorrect amount of the assessment or dues secured by the privilege
14	allowed pursuant hereto is not owed in whole or in part and any owner or interest
15	holder of the condominium unit affected by the privilege files suit to obtain a
16	complete or partial release of such lien or privilege, then in such event the
17	condominium association filing the lien shall be liable to the owner or interest holder
18	in the condominium for the expenses of obtaining the release, in whole or in part,
19	including reasonable attorney fees and all costs associated therewith.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	B. A claim of privilege recorded, as set forth in Subsection A of this Section,
2	shall preserve the privilege against the condominium parcel for a period of one year
3	five years from the date of recordation. The effect of recordation shall cease and the
4	privilege preserved by this recordation shall perempt unless a notice of filing of suit,
5	giving the name of the court, the title and number of the proceedings and date of
6	filing, a description of the condominium parcel and the name of the unit owner, on
7	said the claim is recorded within one year five years from the date of the recordation
8	of the inscription of the said claim. Such notice of filing suit shall preserve the
9	privilege until the court in which the suit is filed shall order the cancellation of the
10	inscription of the said claim and the notice of filing of suit on said the claim or until
11	the claimant authorizes the clerk of court or recorder of mortgages to cancel the said
12	inscriptions.
13	* * *

## 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)]

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HB 213 Reengrossed	2016 Regular Session	Garofalo

**Abstract:** Extends the prescriptive period for liens against a condominium parcel from one year to five years.

<u>Present law</u> provides that a recorded privilege against a condominium parcel preserves the right to file suit for one year from the date of recordation.

<u>Proposed law</u> extends the privilege to file suit against a condominium parcel <u>from</u> one year to five years from the date of recordation.

<u>Proposed law</u> requires the condominium association to pay attorney fees and all associated costs if the condominium association files a wrongful lien that requires an owner or interest holder to file suit to have the lien or privilege released.

(Amends R.S. 9:1123.115(B); Adds R.S. 9:1123.115(A)(4))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

- 1. Adds technical amendments.
- 2. Adds provision requiring condominium associations to pay attorney fees and associated costs if the condominium association files a wrongful lien.