

Regular Session, 2012

HOUSE BILL NO. 350

BY REPRESENTATIVE ARNOLD

CIVIL/PROCEDURE: Provides relative to rights of reimbursement in eviction cases

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 2379, relative to evictions; to provide
3 for rights of reimbursement; to provide for limitations; and to provide for related
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Article 2379 is hereby amended and reenacted
7 to read as follows:

8 Art. 2379. Rights of buyer in case of eviction

9 The purchaser who has been evicted from property sold under a writ of fieri
10 facias shall have his recourse for reimbursement against the judgment debtor and the
11 seizing creditor. If judgment is obtained against both, the purchaser shall issue
12 execution first against the judgment debtor, and if his judgment remains unsatisfied,
13 he may issue execution against the seizing creditor. The purchaser's right of
14 reimbursement against the seizing creditor shall be limited to the value received by
15 the seizing creditor from the sheriff's sale conducted to sell the property under the
16 writ of fieri facias.

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)]

Arnold

HB No. 350

Abstract: Limits the purchaser's right of reimbursement in an eviction proceeding to the value received by the seizing creditor from the sheriff's sale of the property.

Present law provides that the purchaser who has been evicted from property sold under a writ of fieri facias shall have a right of reimbursement against the judgment debtor and the seizing creditor, and that if judgment is obtained against both, the purchaser shall execute the judgment first against the judgment debtor and then against the seizing creditor, if his judgment remains unsatisfied.

Proposed law provides that the purchaser's right of reimbursement against the seizing creditor is limited to the value received by the seizing creditor from the sheriff's sale of the property.

(Amends C.C.P. Art. 2379)