

2019 Regular Session

HOUSE BILL NO. 4

BY REPRESENTATIVE DWIGHT

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

PROPERTY/IMMOVABLE: Provides relative to the procedures for sheriff's sales of property

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AN ACT

To amend and reenact Code of Civil Procedure Article 2334 and R.S. 13:4345, relative to sheriff's sales of property; to provide for alternative procedures for publication of mortgage and other certificates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 2334 is hereby amended and reenacted to read as follows:

Art. 2334. Reading of advertisement and certificates

At the time and place designated for the sale, the sheriff shall read aloud the advertisement describing the property, ~~and~~. The sheriff shall also read aloud a mortgage certificate and any other certificate required by law; or otherwise provide a copy of such certificates to the public by means of public posting, written copies, electronic means, or by any other method.

Section 2. R.S. 13:4345 is hereby amended and reenacted to read as follows:

§4345. Penalty for failure of sheriff to procure and ~~read aloud~~ provide certificates required by law

A sheriff who neglects to procure and ~~read aloud~~ provide the certificates required by law before a judicial sale under a writ of fieri facias or of seizure and sale shall be fined not less than two hundred and fifty dollars, nor more than five

1 hundred dollars, and all costs of court. One half of this fine shall be paid to the
2 complainant and the other half shall be retained by the state.

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)]

HB 4 Original

2019 Regular Session

Dwight

Abstract: Provides for alternative means of publication of mortgage and other certificates at sheriff's sales.

Present law provides procedures for the sale of property to satisfy certain judgments. Requires the sheriff to read the mortgage certificate and other certificates aloud at these sheriff's sales.

Proposed law makes the reading of these certificates optional by adding additional methods of publication which include public posting, written copies, electronic means, or any other method.

(Amends C.C.P. Art. 2334 and R.S. 13:4345)