

2019 Regular Session

HOUSE BILL NO. 4

BY REPRESENTATIVE DWIGHT

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 2334 and R.S. 13:4345, relative to  
3 sheriff's sales of property; to provide for alternative procedures for publication of  
4 mortgage and other certificates; to provide relative to the failure to read aloud or  
5 provide a copy of such certificates; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

9 Art. 2334. Reading of advertisement and certificates

10 A. At the time and place designated for the sale, the sheriff shall read aloud  
11 the advertisement describing the property, ~~and.~~ The sheriff shall also read aloud a  
12 mortgage certificate and any other certificate required by law; or otherwise provide,  
13 at least twenty-four hours prior to the sale, a copy of such certificates to the public  
14 by means of public posting, written copies, electronic means, or by any other  
15 method.

16 B. The failure of the sheriff to procure, read aloud, or provide a copy of any  
17 certificate as required by this Article shall not impact the validity of the sale and  
18 shall not give rise to any cause of action against the sheriff, the seizing creditor, or  
19 the purchaser arising out of such failure.

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

1           §4345. Penalty for failure of sheriff to procure and ~~read aloud~~ provide certificates  
2                           required by law

3                           A sheriff who neglects to procure and ~~read aloud~~ provide the certificates  
4           required by law before a judicial sale under a writ of fieri facias or of seizure and  
5           sale shall be fined not less than two hundred and fifty dollars, nor more than five  
6           hundred dollars, and all costs of court. One half of this fine shall be paid to the  
7           complainant and the other half shall be retained by the state.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_