

2021 Regular Session

HOUSE BILL NO. 418

BY REPRESENTATIVE ROBBY CARTER

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

SUCCESSIONS: Provides for the definition of a small succession

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AN ACT

To amend and reenact Code of Civil Procedure Article 3421(B), relative to small successions; to provide for the definition of small succession; to provide for a testamentary small succession including immovable property; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 3421(B) is hereby amended and reenacted to read as follows:

Art. 3421. Small ~~successions~~ succession defined

* * *

B. A small succession shall also include a succession of a person who has died testate, ~~leaving no immovable property~~, and probate of the testament of the deceased would have the same effect as if the deceased had died intestate.

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 418 Original

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Abstract: Allows a testamentary small succession to include immovable property.

Present law provides that a small succession is the succession of a decedent whose property in La. has a gross value of \$125,000 or less as of the date of death or whose death occurred at least 20 years prior to the date of filing a small succession affidavit.

Proposed law retains present law.

Present law further provides that a small succession shall also include a succession of a person who has died testate, leaving no immovable property, and probate of the testament of the deceased would have the same effect as if the deceased had died intestate.

Proposed law allows for a testamentary small succession regardless of whether the testator leaves immovable property.

(Amends C.C.P. Art. 3421(B))