

Regular Session, 2014

SENATE BILL NO. 80

BY SENATOR BROOME

SHERIFFS. Provides relative to calculation of sheriff's fee or commission on certain writs.
(8/1/14)

1 AN ACT

2 To amend and reenact R.S. 13:5530(A)(13), relative to sheriffs; to provide relative to fees
3 of sheriffs in certain civil matters; to provide for calculation; to provide for certain
4 terms, conditions and procedures; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 13:5530(A)(13) is hereby amended and reenacted to read as follows:

7 §5530. Fees in civil matters

8 A. Sheriffs shall be entitled to no more than the following fees and
9 compensation of office in all civil matters:

10 * * *

11 (13)(a) In all cases where the sheriffs have in their possession for execution
12 a writ of fieri facias, a writ of seizure and sale, or any conservatory or other writ
13 under which property is or may be seized:

14 (i) When there has been an adjudication which is not completed as a result
15 of instructions given by the plaintiff in writ or for any other reason.

16 (ii) When the plaintiff in writ receives cash, other consideration, or both
17 pursuant to judgment rendered in suit in which the writ issued without the necessity

1 of judicial sale.

2 (iii) When the suit in which the writ issued is discontinued by the plaintiff
3 in writ.

4 (iv) When at the request of the plaintiff in writ the writ is recalled or
5 dissolved or its further execution discontinued.

6 (v) When the parties in interest make an amicable settlement or compromise
7 or enter into any other agreement under the terms of which the writ is recalled or
8 dissolved or its further execution discontinued, the sheriffs shall be entitled to
9 receive a fee or commission ~~as in the case of a sale~~ **as provided in this Paragraph.**

10 (b) But in the discretion of the sheriffs and under circumstances satisfactory
11 to them, they may modify or reduce any fee or commission due and payable under
12 the provisions of this Paragraph. However, if the property is the debtor's homestead
13 exempt residence and there has been a settlement or compromise between the parties,
14 the fee or commission shall be calculated on the amount of the settlement or
15 compromise.

16 (c) The fees or commission provided for in this Paragraph shall be due and
17 payable in every case by the plaintiff in writ and shall be due and payable under the
18 circumstances above set forth even though there has only been a constructive seizure
19 or where property seized under any of the writs hereinabove enumerated has been
20 released on bond.

21 (d) In a case where there has been an amicable settlement by compromise or
22 otherwise, but no judgment has been rendered, the fee or commission shall be due
23 and payable in solido by all parties to the compromise agreement or settlement who
24 may be proceeded against by the sheriffs by rule to be tried in a summary manner in
25 term time or in vacation.

26 (e) In the event a defendant in seizure files for bankruptcy before a sheriff's
27 sale and a stay order is issued cancelling the sale, the plaintiff in the suit shall be
28 liable for all costs, other than commissions, incurred while the property was under
29 seizure.

