

WFG Informational Bulletin

To: All Louisiana Policy Issuing Agents of WFG National Title Insurance Company
From: David Silverstein/Irl Silverstein, LA State Underwriting Counsel
Date: April 14, 2017
Bulletin No: LA 2017-04
Subject: 2017 Louisiana Legislative Agenda

The 2017 Regular Session of the Louisiana Legislature begins Monday, April 10. As in past sessions, legislators have pre-filed several bills of interest to the title industry.

HB 75 (Miguez): Death Certificates/Small Successions

Code of Civil Procedure Art. 3434(c) requires that a death certificate be attached to a small succession affidavit when filed in the conveyance records. This bill amends R.S. 40:416, authorizing the state registrar to provide the death certificate to an attorney upon receipt of a written declaration that the attorney is preparing the small succession affidavit for the decedent.

HB 121 (Miller): Successions under Independent Administration

This bill, a product of the La. State Law Institute, would amend Code of Civil Procedure Art. 3396.18, eliminating the requirement that a sworn detailed descriptive list be filed before a judgment of possession is rendered in a succession under independent administration. The descriptive list would still need to be filed before the succession can be closed and the independent administrator discharged. The bill would also permit the descriptive list to be sealed upon request of an administrator, heir or legatee.

HB 129 (Davis): Small Successions

This bill proposes to double the maximum gross value of a decedent's estate from \$75,000 to \$150,000, and reduce the period of time since death from 25 to 20 years regardless of value, for purposes of defining a small succession under Code of Civil Procedure Art. 3421.

HB 310 (Reynolds/Foil): Corporations

Another recommendation of the Law Institute, this bill makes a few changes, both technical and substantive, to the Business Corporations Act in Title 12 of the Revised Statutes. Of particular note here, the bill would extend the time for reinstatement of a terminated corporation from three to five years.

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HB 328 (Coussan): Acknowledgment of Extinction of Certain Rights in Immovables

R.S. 9:5176 provides a mechanism for obtaining an acknowledgment from lessees and holders of servitudes, options and the like that their rights are extinguished. The prevailing party in an action to have those rights declared extinguished can be awarded attorney's fees. This bill makes a minor change, deleting the provision which specifies who must pay the prevailing party's fees.

HB 400 (Garofalo): Cancellations

This bill eliminates the requirement for notarization of a mortgage cancellation by a licensed financial institution under R.S. 9:5172. As proposed, the bill would permit a release or partial release to be executed by two officers of the financial institution in lieu of a notary.

HB 469 (Falconer/Stokes): Condominiums

Last year saw revisions to the lien provisions of the La. Condominium Act, R.S. 9:1121.101 *et seq.* The bill offered this year would amend the definitions of 'unit' and 'common elements' to further clarify the respective responsibilities of the association and unit owners. More significantly, the bill would establish mandatory insurance requirements for unit owners and their tenants.

SB 120 (Ward): Leases

Recommended by the Law Institute, this bill proposes major revisions to residential landlord-tenant law. A landlord would now be required to give a nonwaivable 10-day notice to pay before 'dissolving' a lease and filing an eviction for nonpayment of rent. In leases with automatic renewal clauses, a tenant would not be required to provide notice of non-renewal more than 30 days before expiration regardless of any contrary lease provision. The bill would also extend the notice of termination of a month-to-month lease from 10 to 30 days. Significant changes to the rights to and responsibilities for the tenant's security deposit are also proposed.

SB 129 (Allain/Appel): Servitudes

R.S. 9:1254 currently provides an owner of an enclosed estate with a right of passage over a waterway located on neighboring property where no other means of access exist. This bill would amend that statute to clarify that the owner of the enclosed estate is bound to compensate the neighbor for the servitude and provide indemnity against any damage.

SB 236 (Lafleur): Recording

Perhaps most important, the effort to streamline recording fees across the state under R.S. 13:844 has been revived this year. Under this bill, clerks would charge a flat rate to record documents based on page increment including attachments: \$100 for 1-5 pages, \$200 for 6-20 pages, \$300 for 21-50 pages, \$300 for the first 50 pages + \$10 per subsequent page for 50+ pages. This fee would include indexing of up to 10 names and 1 certified copy. Cancellation by act or affidavit would cost a flat \$50 per mortgage, lien or privilege. Documents would be assessed separately for recording in both mortgage and conveyance records (e.g., credit sale). The bill also prohibits charging additional fees for filing letter-size documents.

The full text of the bills and their progress can be reviewed [HERE](#). If you have any questions or concerns, please do not hesitate to contact us.

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