

Regular Session, 2012
HOUSE BILL NO. 452

ACT No. 712

BY REPRESENTATIVE ABRAMSON

1 AN ACT

2 To amend and reenact R.S. 13:4344.1(A)(introductory paragraph), (6), and (7), (D), (E), and
3 (F) and to enact R.S. 13:4344.1(G), relative to inscriptions on mortgage certificates;
4 to provide for deletion of inscriptions; to delete antiquated references to the recorder
5 of mortgages for Orleans Parish; to provide for technical corrections; to provide for
6 inscriptions of cancelled and prescribed mortgages; to provide for prospective
7 application; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 13:4344.1(A)(introductory paragraph), (6), and (7), (D), (E), and (F)
10 are hereby amended and reenacted and R.S. 13:4344.1(G) is hereby enacted to read as
11 follows:

12 §4344.1. Deletion of inscriptions on mortgage certificates ordered by a sheriff

13 A. For immovable property procured pursuant to a judicial sale under a writ
14 of fieri facias or a writ of seizure and sale, the clerk of court, ~~or the recorder of~~
15 ~~mortgages for Orleans Parish, or his successor,~~ shall partially cancel from a
16 mortgage certificate ordered in connection with a judicial sale the inscription of any
17 ~~legal or judicial~~ mortgage, lien, or privilege, appearing on the certificate, only insofar
18 as the foreclosed property is concerned, upon the filing of an affidavit executed by
19 an officer of a title insurer duly licensed by the Louisiana Department of Insurance.

20 The affidavit shall set forth all of the following:

21 * * *

22 (6) A direction from the title insurer to the clerk of court ~~or recorder of~~
23 ~~mortgages~~ to partially cancel from the mortgage certificate the encumbrance
24 identified on the affidavit.

1 G.(1) It shall not be necessary to delete, cancel, or partially release
2 inscriptions that may appear on a mortgage certificate ordered in connection with a
3 judicial sale for the following:

4 (a) Any assignment, assumption, or modification of a canceled mortgage.

5 (b) Prescribed judicial mortgages which have not been reinscribed or for
6 which no notice of pendency of action of a revival action is shown on the mortgage
7 certificate.

8 (2) The sheriff shall proceed with the judicial sale without regard to the
9 inscriptions designated in this Subsection.

10 Section 2. The provisions of this Act shall be given prospective application only.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____