

Regular Session, 2010

# ACT No. 196

HOUSE BILL NO. 645

BY REPRESENTATIVES ABRAMSON AND TIM BURNS

1 AN ACT

2 To amend and reenact R.S. 9:5647, relative to powers of attorney; to clarify the application  
3 of the five-year prescriptive period for actions to set aside certain recorded  
4 documents; to provide for retroactive application; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:5647 is hereby amended and reenacted to read as follows:

7 §5647. Power of attorney; action to set aside under certain conditions

8 A. Any action to set aside a document or instrument on the ground that the  
9 party executing the document or instrument under authority of a power of attorney  
10 was without authority to do so, or that the power of attorney was not valid, is  
11 prescribed by five years, beginning from the date on which the document or  
12 instrument is recorded in the conveyance records, or the mortgage records if  
13 appropriate. Nothing contained in this Section shall be construed to limit or  
14 prescribe any action or proceeding which may arise between a principal and the  
15 person acting under authority of a power of attorney. ~~The prescription established~~  
16 ~~herein shall not become final and complete as to any document or instrument~~  
17 ~~executed prior to one year from August 15, 2008.~~

18 B. The prescriptive period established by Subsection A of this Section shall  
19 be retroactive and shall apply to all such documents whether recorded prior to or  
20 after August 15, 2008; however, as to any documents recorded prior to August 15,  
21 2008, as to which prescription has not already run and become final, ~~this~~ the  
22 prescriptive period established by Subsection A of this Section shall ~~not~~ become final  
23 and complete ~~until~~ ten years from the date the document was recorded or August 15,  
24 2013, whichever occurs first.

1           Section 2. This Act is declared to be remedial, curative, and procedural and therefore  
2 is to be applied prospectively and retroactively to August 15, 2008.

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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: \_\_\_\_\_