

SENATE BILL NO. 333

BY SENATOR MORRIS

1 AN ACT

2 To amend and reenact Code of Civil Procedure Art. 3721, relative to methods of enforcing
3 mortgages; to provide relative to civil actions; to provide with respect to provisions
4 of the judgment; to provide relative to specific amounts, costs, expenses, and fees;
5 to provide relative to terms, conditions, procedures, and requirements; to provide
6 relative to judicial process, collection proceedings, and sales under fieri facias; and
7 to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Code of Civil Procedure Art. 3721 is hereby amended and reenacted to
10 read as follows:

11 Art. 3721. Methods of enforcing mortgage

12 A. A conventional mortgage is enforced by ordinary or executory
13 proceedings.

14 **B. In any ordinary or executory proceeding to enforce a mortgage,**
15 **privilege, or security interest, the judgment or order of executory process**
16 **granted may include any amounts which accrue after the rendition of the**
17 **judgment or order and until the judicial sale including, without limitation,**
18 **obligations to reimburse advances for taxes and insurance, inspection or other**
19 **fees provided for by contract, reasonable attorney fees, and court costs. The**
20 **provisions of this Article shall be enforceable notwithstanding any other**
21 **provision of law requiring that a judgment or order specify a definite amount.**

22 **C. Prior to the date of the sheriff's sale, the seizing creditor or his counsel**
23 **shall, upon the request of the sheriff, file into the record the payoff amount of**
24 **the obligation being enforced including any amounts which have accrued after**
25 **the issuance of the order of executory process or the judgement rendered in an**
26 **ordinary proceeding.**

27 **D. Any party with an interest in the property seized, including but not**

1 limited to mortgage and lien holders, and the defendant, may file a rule to show
2 cause to traverse the payoff amount filed in accordance with Subsection C of
3 this Article.

4 E. A judicial sale shall be valid notwithstanding failure of an interested
5 party to comply with the provisions of this Article.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____