

SENATE CONCURRENT RESOLUTION NO. 26

BY SENATOR GALLOT

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study the issue of heirship property; to request the Louisiana State Law Institute develop recommendations for facilitating the ability of family members to receive title to immovable property when successive generations of their family have failed to file succession proceedings; and to develop recommendations to facilitate more equitable and economically efficient distribution of immovable property.

WHEREAS, a significant percentage of Louisiana families have immovable property which has been passed down from generation to generation without the filing of succession proceedings; and

WHEREAS, surviving family members often do not have merchantable title to their immovable property because they have not completed the recognized formalities of succession procedure; and

WHEREAS, Louisiana citizens without significant economic means are less likely to seek estate planning services or have the funds to complete the successions of their deceased relatives which would restore their titles to a merchantable status; and

WHEREAS, there is a need to review present law to determine whether changes should be made to facilitate, encourage, and promote merchantability of immovable property owned after the death of family members; and

WHEREAS, officials of state, parish, and municipal governments and pro bono organizations have expressed an interest in solving these problems; and

WHEREAS, it is the policy of this legislature to foster free commerce in Louisiana's immovable property for all Louisiana citizens.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to study the issue of heirship property

provisions in current law; to develop recommendations for facilitating the ability of Louisiana family members to receive title to immovable property when successive generations of their family have failed to file succession proceedings; and to develop recommendations to facilitate more equitable and economically efficient distribution of immovable property by merchantable titles.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute report its findings and recommendations to the Legislature of Louisiana on or before January 1, 2014.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Louisiana State Law Institute.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES