

Office of the Governor
State of Louisiana

JOHN BEL EDWARDS
GOVERNOR



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June 29, 2021

VIA HAND DELIVERY

Honorable Clay J. Schexnayder
Speaker of the House
Louisiana House of Representatives
Post Office Box 94062
Baton Rouge, Louisiana 70804-9062

RE: Veto of House Bill 295 of the 2021 Regular Session

Dear Speaker Schexnayder:

Please be advised that I have vetoed House Bill 295 of the 2021 Regular Session.

This bill, as finally passed, would eliminate the requirement that a certified copy of a death certificate be attached to the affidavit required to administer a small succession outside of probate. It is clear from committee debate in both chambers that the intent of both the author and the committees is that the legislation eliminate the necessity of a certified copy of the death certificate but alternatively require the affidavit to be an authentic act with a copy of the death certificate attached. Instead, the bill requires either an affidavit with a copy of the death certificate *or* an affidavit that is an authentic act.

Sincerely,

A handwritten signature in black ink, appearing to read "John Bel Edwards".

John Bel Edwards
Governor

cc: Honorable Patrick Page Cortez
Louisiana Senate President

ENROLLED

2021 Regular Session

HOUSE BILL NO. 295

BY REPRESENTATIVE SEABAUGH AND SENATORS MILLIGAN, PEACOCK, AND
TARVER

AN ACT

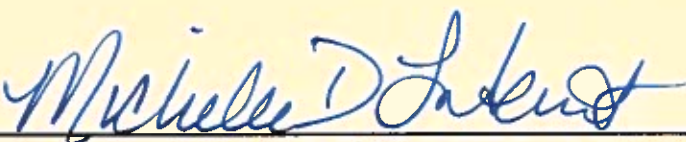
To amend and reenact Code of Civil Procedure Articles 3431(A) and 3434(C)(1) and to
repeal Code of Civil Procedure Article 3421(B), relative to immovable property in
successions; to provide relative to the definition of small succession; to provide
relative to the small succession affidavit; and to provide for related matters.

ORIGINATED

IN THE

House of Representatives

GOVERNOR'S OFFICE	
JUN -2 2021	
TIME	2:30pm
RECEIVED	SC



Clerk of the House of Representatives

2021 Regular Session

HOUSE BILL NO. 295

BY REPRESENTATIVE SEABAUGH AND SENATORS MILLIGAN, PEACOCK, AND
TARVER

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AN ACT

To amend and reenact Code of Civil Procedure Articles 3431(A) and 3434(C)(1) and to
repeal Code of Civil Procedure Article 3421(B), relative to immovable property in
successions; to provide relative to the definition of small succession; to provide
relative to the small succession affidavit; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Articles 3431(A) and 3434(C)(1) are hereby
amended and reenacted to read as follows:

Art. 3431. Small successions; judicial opening unnecessary

A. It shall not be necessary to open judicially the small succession of a
person domiciled in Louisiana who died intestate ~~or testate as provided by Article~~
~~3421(B); or who died testate and probate of the testament of the deceased would~~
have the same effect as if the deceased had died intestate or a person domiciled
outside of Louisiana who died intestate or whose testament has been probated by
court order of another state, and whose sole heirs successors are the following:

- (1) His descendants.
- (2) His ascendants.
- (3) His brothers or sisters, or descendants thereof.
- (4) His surviving spouse.
- (5) His legatees under a testament probated by court order of another state.

* * *

Art. 3434. Endorsed copy of affidavit authority for delivery of property

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C.(1) A multiple original of the affidavit, to which has been attached a ~~certified~~ copy of the deceased's death certificate or which is an authentic act, shall be recorded in the conveyance records in the office of the clerk of court in the parish where any immovable property described therein is situated, after at least ninety days have elapsed from the date of the deceased's death.

* * *

Section 2. Code of Civil Procedure Article 3421(B) is hereby repealed in its entirety.



SPEAKER OF THE HOUSE OF REPRESENTATIVES



PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____
lmw
06/22/2021

