

2018 Regular Session

HOUSE BILL NO.

BY REPRESENTATIVE GAROFALO

NOTARIES: Provides relative to notaries public

## 1 AN ACT

2 To amend and reenact R.S. 35:1, 1.1, 2, 2.1(A)(1) and (2), 3, 4, 5, 6, 7(B) and (C), 9, 10,  
3 11(A), 12, 14, 15(A)(introductory paragraph), (5) and (6), (B), (C), and (D), 16,  
4 71(A)(1), (B), (C), (D), and (E), 72 through 77, 131 through 134,  
5 191(A)(1)(introductory paragraph), (e), (2), and (3), (B), (C)(introductory  
6 paragraph), (1)(a) and (ii), (c), (2)(b) and (c), (3)(b) and (c), (D) through (O),  
7 (P)(1)(a) and (b) and (2), (Q) through (U), 191.1(A) and (C), 191.2(1), (2)(a), and  
8 (3), 191.3, 191.4(A), (B) and (E), 192(A), 193 through 196, 198, 199, 200(A), (C),  
9 and (F), 201(A)(introductory paragraph), (C)(introductory paragraph), (3) and (4)(a),  
10 202(A), (B), (C), (E), (F) and (G), 287, 392.1(A), 412(A) and (B), 413(A), 414(A),  
11 601(A)(introductory paragraph), (4), (5), and (6), 602(A)(introductory paragraph)  
12 and (B)(1), R.S. 6:327(B) and 770(B), R.S. 9:51, 392(A)(introductory paragraph),  
13 1423, 2928, 2946, 3506.1(A), (B), and (B), 5166(F), 5167(A)(1), 5167.1(A),(B)(1),  
14 and (H)(3), 5170(A)(2)(b), 5385(C), 5557(C), R.S. 12:254(C) and (D), R.S.  
15 13:2488.27(B), 2586.2, 3672, 4102(D), 5085(D), R.S. 15:302(3)(d), R.S. 29:370,  
16 R.S. 33:2740.63(B) and 5052, R.S. 39:342, R.S. 42:66(A)(1), and 282, R.S. 51:143,  
17 Civil Code Articles 1345, 1833 through 1836, and 3325(B), and Code of Civil  
18 Procedure Articles 283(B), 287, 1701(B), 2636(1) and (5)(a), 2854, 2855, 3131,  
19 3132, 3133(introductory paragraph) and (1), 3134, 3135, 4101(B), 4605, 4608, 4609,  
20 4611, and 5185(A)(1), and Children's Code Article 1566(A), to enact R.S. 35:1.2 and

1 301 through 310, and to repeal R.S. 35:191(V) and (W), relative to notaries public;  
 2 to provide for notaries public, civil law notaries public, and ex officio notaries  
 3 public; to provide for appointments and issuance of commissions; to provide for  
 4 qualifications; to provide for bond requirements; to provide for jurisdiction; to  
 5 provide for authority and limitations of authority; to provide for fees; to provide for  
 6 certain reporting and application requirements; to provide for revocation and  
 7 suspension of commissions; to provide for liability, duties, and limitations on  
 8 actions; to authorize the adoption of rules; to provide for changes in terminology;  
 9 and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 35:1, 1.1, 2, 2.1(A)(1) and (2), 3, 4, 5, 6, 7(B) and (C), 9, 10, 11(A),  
 12 12, 14, 15(A)(introductory paragraph), (5) and (6), (B), (C), and (D), 16, 71(A)(1), (B), (C),  
 13 (D), and (E), 72 through 77, 131 through 134, 191(A)(1)(introductory paragraph), (e), (2),  
 14 and (3), (B), (C)(introductory paragraph), (1)(a) and (ii), (c), (2)(b) and (c), (3)(b) and (c),  
 15 (D) through (O), (P)(1)(a) and (b) and (2), (Q) through (U), 191.1(A) and (C), 191.2(1),  
 16 (2)(a), and (3), 191.3, 191.4(A), (B) and (E), 192(A), 193 through 196, 198, 199, 200(A),  
 17 (C), and (F), 201(A)(introductory paragraph), (C)(introductory paragraph), (3) and (4)(a),  
 18 202(A), (B), (C), (E), (F) and (G), 287, 392.1(A), 412(A) and (B), 413(A), 414(A),  
 19 601(A)(introductory paragraph), (4), (5), and (6), 602(A)(introductory paragraph) and  
 20 (B)(1), are hereby amended and reenacted and R.S. 35:1.2 and 301 through 310 are hereby  
 21 enacted to read as follows:

22 TITLE 35

23 NOTARIES PUBLIC ~~AND COMMISSIONERS~~

24 CHAPTER 1. ~~GENERAL PROVISIONS~~ CIVIL LAW NOTARIES PUBLIC

25 SUB-CHAPTER 1. GENERAL PROVISIONS

26 §1. Appointment of civil law notaries public

27 The governor may appoint, by and with the advice and consent of the Senate,  
 28 and upon their meeting the qualifications for office provided for in this ~~Title Chapter~~,  
 29 civil law notaries public in the different parishes.

1        §1.1. Civil law notarial commission; prior notarial commissions

2            A. A notarial commission issued on or after January 1, 2019, to a person  
3 meeting the qualifications of this Chapter shall be a civil law notarial commission.

4            B. A notarial commission issued prior to January 1, 2019, to a notary public  
5 whose commission is valid as of January 1, 2019, shall be deemed a civil law  
6 notarial commission.

7            C. A person commissioned pursuant to the provisions of Subsections A or  
8 B of this Section shall be referred to as a "civil law notary public".

9        ~~§1.1.~~ §1.2. Commissions previously issued

10           A. Notwithstanding any other provision of law to the contrary, this Section  
11 shall apply to all acts, documents, or other instruments which were executed by or  
12 passed before a notary public who was duly appointed, and to each notarial  
13 commission which was issued, on or before January 1, 1999, without the applicant  
14 first obtaining a commission in the parish of residence of the applicant, and whose  
15 commission was based on the location of the office maintained by the applicant.

16           B. All acts, documents, or other instruments which were executed by or  
17 passed before any notary public commissioned as set forth in Subsection A of this  
18 Section shall not be invalid based on the appointment of the notary public or the  
19 issuance of the notarial commission.

20        §2. General powers; administration of certain oaths in any parish; true copies

21           A.(1) ~~Notaries~~ Civil law notaries public have power within their several  
22 parishes:

- 23           (a) To make inventories, appraisements, and partitions;
- 24           (b) To receive wills, make protests, matrimonial contracts, conveyances, and  
25 generally, all contracts and instruments of writing;
- 26           (c) To hold family meetings and meetings of creditors;
- 27           (d) To receive acknowledgements of instruments under private signature;
- 28           (e) To make affidavits of correction;

1 (f) To affix the seals upon the effects of deceased persons, and to raise the  
2 same.

3 (2) All acts executed by a civil law notary public, in conformity with the  
4 provisions of Civil Code Art. 1833, shall be authentic acts.

5 (3) Notwithstanding any provision in the law to the contrary, a civil law  
6 notary public shall have power, within the parish or parishes in which he is  
7 authorized, to exercise all of the functions of a notary public and a civil law notary  
8 public and to receive wills in which he is named as administrator, executor, trustee,  
9 attorney for the administrator, attorney for the executor, attorney for the trustee,  
10 attorney for a legatee, attorney for an heir, or attorney for the estate.

11 B. However, each civil law notary public of this state shall have authority to  
12 administer oaths in any parish of the state, to swear in persons who appear to give  
13 testimony at a deposition before a general reporter or free-lance reporter certified  
14 under the provisions of R.S. 37:2551 et seq., and to verify interrogatories and other  
15 pleadings to be used in the courts of record of this state. Such oaths, and the  
16 certificates issued by such civil law notaries shall be received in the courts of this  
17 state and shall have legal efficacy for purposes of the laws on perjury.

18 C. Every qualified civil law notary public is authorized to certify true copies  
19 of any authentic act or any instrument under private signature hereafter or heretofore  
20 passed before him or acknowledged before him, and to make and certify copies, by  
21 any method, of any certificate, research, resolution, survey or other document  
22 annexed to the original of any authentic acts passed before him, and may certify such  
23 copies as true copies of the original document attached to the original passed before  
24 him.

25 §2.1. Affidavit of corrections

26 A.(1) A clerical error in a notarial act affecting movable or immovable  
27 property or any other rights, corporeal or incorporeal, may be corrected by an act of  
28 correction executed by any of the following:

1 (a) The person who was the civil law notary or one of the civil law notaries  
2 before whom the act was passed.

3 (b) The civil law notary who actually prepared the act containing the error.

4 (c) In the event the person defined in Subparagraphs (a) or (b) of this  
5 Paragraph is deceased, incapacitated, or whose whereabouts are unknown, then by  
6 a ~~Louisiana~~ civil law notary who has possession of the records of that person, which  
7 records contain information to support the correction.

8 (2) The act of correction shall be executed before two witnesses and a civil  
9 law notary public.

10 \* \* \*

11 §3. Oaths and acknowledgments

12 Oaths and acknowledgments, in all cases, may be taken or made by or before  
13 any civil law notary public duly appointed and qualified in this state.

14 §4. Notaries connected with banks and other corporations; powers

15 A. It is lawful for any notary public who is a stockholder, director, officer,  
16 or ~~employe~~ employee of a bank or other corporation to take the acknowledgment of  
17 any party to any written instrument executed to or by such corporation, or to  
18 administer an oath to any other stockholder, director, officer, ~~employe~~ employee, or  
19 agent of such corporation, or to protest for non-acceptance or nonpayment bills of  
20 exchange, drafts, checks, notes, and other negotiable instruments which may be  
21 owned or held for collection by such corporation. It is unlawful for any notary  
22 public to take the acknowledgment of an instrument by or to a bank or other  
23 corporation of which he is a stockholder, director, officer, or ~~employe~~ employee,  
24 where the notary is a party to such instrument, either individually or as a  
25 representative of such corporation, or to protest any negotiable instrument owned or  
26 held for collection by the corporation, where the notary is individually a party to the  
27 instrument.



1 before any ambassador, minister, charge d'affaires, secretary of legation, consul  
2 general, consul, vice-consul, or commercial agent, or before one of the following  
3 officers commissioned or accredited to act at the place where the act is made or  
4 taken, and having an official seal, to wit: any officer of the United States, any civil  
5 law notary public or notary public, or any commissioner or other agent of this state  
6 having power to take ~~acknowledgements~~ acknowledgments, and every  
7 ~~acknowledgement~~ acknowledgment, attestation or authentication of such  
8 instruments, oaths or affirmations made by any of these officers under their official  
9 seals and signatures, shall have the full force and effect of an authentic act executed  
10 in this state; and it shall not be necessary that the officer be assisted by two  
11 witnesses, as in the case of a civil law notary public or notary public executing an  
12 authentic act in this state, but the attestation, seal and signature of the officer shall  
13 of themselves be sufficient; nor shall it be necessary that the person appearing before  
14 the officer to execute any of these instruments, or to take any oath or affirmation, be  
15 a resident of the place where the officer is located. Whenever any such original  
16 instrument, oath, or affirmation has been deposited in the office of a civil law notary  
17 public or a notary public in this state, the civil law notary public or notary public is  
18 authorized to make copies of the same, which shall have the same force and effect  
19 as copies of authentic acts executed in this state.

20 §10. Place of executing notarial acts

21 All notarial acts shall be made and executed at any place within the  
22 jurisdictional limits of the civil law notary public.

23 §11. Marital status of parties to be given

24 A. Whenever civil law notaries public pass any acts they shall give the  
25 marital status of all parties to the act, viz: If either or any party or parties are men,  
26 they shall be described as single, married, or widower. If married or widower the  
27 christian and family name of wife shall be given. If either or any party or parties are  
28 women, they shall be described as single, married or widow. If married or widow,

1 their christian and family name shall be given, adding that she is the wife of or  
2 widow of . . . the husband's name.

3 \* \* \*

4 §12. Names to be given in full, together with parties' permanent mailing addresses;  
5 identification numbers

6 A.(1) ~~Notaries~~ Civil law notaries public shall insert in their acts the Christian  
7 names and surnames of the parties in full and not their initial letters alone or the full  
8 names of the parties and not their initial letters alone, together with the permanent  
9 mailing addresses of the parties, and shall print or type the full names of the  
10 witnesses and of themselves under their respective signatures.

11 (2) For the purposes of this Section, a full name or a name in full shall  
12 include at least one given name and other initials in addition to the surname. It may  
13 be any combination of first name and middle initial or initials, if any, and the  
14 surname; or the first initial and at least one middle name and the surname; or the  
15 complete first and middle name or names and the surname. The civil law notary  
16 public shall type, print, or stamp his or her name as it appears on his or her  
17 commission.

18 B. Every document notarized in this state shall bear the notary identification  
19 number assigned by the secretary of state, except that if the civil law notary public  
20 is an attorney licensed to practice law in this state, he may use his Louisiana state bar  
21 roll number in lieu of his notary identification number. The number shall be typed  
22 or printed legibly and placed next to the typed, printed, or stamped name of the  
23 notary as required by Subsection A of this Section.

24 C. No person other than a regularly commissioned civil law notary public  
25 shall use the title "Civil Law Notary Public", and this title shall be used on all  
26 documents executed by the civil law notary public. Every person, other than a  
27 regularly commissioned civil law notary public, who is otherwise given notarial  
28 powers or authorized as a notary public pursuant to Chapter 2 of this Title or a notary  
29 ex officio, shall clearly indicate his actual position or title, as notary public or notary



1 convincing evidence after a rule to show cause, that the notary has engaged in any  
2 of the following:

3 \* \* \*

4 (5) Violation of any provision of this Title, or any other law governing the  
5 office of civil law notary public or the exercise of any notarial power or duty.

6 (6) Ceasing to possess any qualification required for holding his commission  
7 as a civil law notary public.

8 \* \* \*

9 B. The rule to show cause shall be instituted by the district attorney or the  
10 attorney general in the district court of either the parish in which the civil law notary  
11 public is commissioned or the parish where the conduct complained of occurred.  
12 Such rule to show cause shall be tried in summary proceeding.

13 C.(1) If after a hearing the court finds that the civil law notary public was  
14 convicted of a felony for which no pardon has been issued, or engaged in an act of  
15 gross misconduct or malfeasance in the exercise of his notarial powers, or ceased to  
16 possess any qualification required for holding his commission, the court shall order  
17 the revocation of the notary's commission and shall prohibit the notary from the  
18 further exercise of notarial powers.

19 (2) If after a hearing the court finds that the civil law notary public  
20 committed any other act set forth in Subsection A of this Section, the court may  
21 revoke the notary's commission and prohibit the notary from further exercise of  
22 notarial powers, or may suspend his commission and authority to exercise notarial  
23 powers for a specific period of time, to be determined by the court.

24 D. A court ordering the revocation of a ~~notary's~~ civil law notary public's  
25 commission or the suspension of his notarial powers shall further cast the notary in  
26 judgment for attorney fees and court costs. The court may additionally order  
27 restitution to be paid by the civil law notary public to such persons as the court  
28 determines were damaged by the conduct giving rise to the suspension of notarial  
29 powers or the revocation of commission.

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§16. Administrative revocation of notarial commission or authority

A. The secretary of state shall suspend the commission of a civil law notary public who is not an attorney when the notary ceases to be a registered voter in the parish of that notary's commission, or is convicted of a felony. The secretary of state shall send a notice of suspension by certified mail, return receipt requested, to the civil law notary public stating the reasons for his suspension.

B. If the suspension arises from failure of the civil law notary public to be registered as a voter in his parish of commission, the notice of suspension shall give the civil law notary public ten days from the date of receipt to register as a voter in the parish of his commission. If the civil law notary public fails to do so, the secretary of state shall notify the attorney general or the district attorney of the parish in which the notary is commissioned for the purpose of instituting a rule to show cause to revoke the commission pursuant to R.S. 35:15.

C. If the suspension arises from conviction of a felony, the period of suspension shall continue until the conviction is final and all appellate review of the original trial court proceedings has been exhausted. If the conviction is reversed upon appeal, or if a pardon is issued for the conviction, the suspension shall terminate and the commission shall be reinstated. When the conviction is final and all appellate review of the original trial court proceedings is exhausted, and if no pardon has been issued, the secretary of state shall notify the attorney general or the district attorney of the parish in which the civil law notary public is commissioned for the purpose of instituting a rule to show cause to revoke the commission pursuant to R.S. 35:15.

\* \* \*

~~CHAPTER 2. BONDS OF NOTARIES PUBLIC GENERALLY~~

SUB-CHAPTER 2. BONDS OF CIVIL LAW NOTARIES PUBLIC

§71. Requirement of bond or insurance; suspension of notarial commissions; renewal of bonds or insurance; penalty

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.



1 in Paragraph (D)(2) of this Section, shall be automatically suspended, and the civil  
2 law notary public shall have no authority to exercise any of the functions of a civil  
3 law notary public until the required bond or insurance is in force and effect, and the  
4 bond or evidence of insurance has been filed with the secretary of state.

5 \* \* \*

6 §72. Bonds; elimination of requirement

7 Notwithstanding any provision of law to the contrary, after August 1, 1988,  
8 no civil law notary public, who is a licensed attorney at law, shall be required to post  
9 a bond of any kind.

10 §73. Bond not mortgage until suit filed and notice of lis pendens recorded

11 The official notarial bond, given by any civil law notary public shall not,  
12 when recorded as provided by law, operate as a mortgage either against the property  
13 of the principal or of the surety or sureties thereon, unless and until a suit has been  
14 filed against the civil law notary public to recover on the bond, and a notice of lis  
15 pendens has been placed of record against the civil law notary public in connection  
16 with the suit in the parish where the bond is recorded, in which case the bond shall  
17 then operate as a mortgage against the property of both the principal and surety, or  
18 sureties, thereon

19 §74. Inclusion of bonds in mortgage certificates

20 The clerks of court in preparing mortgage certificates shall not include  
21 notarial bonds thereon unless an action has been commenced on the bond and a  
22 notice of lis pendens has been filed in connection therewith as provided in R.S.  
23 35:73.

24 §75. Substituted notarial bond with personal surety

25 In all cases where civil law notaries public throughout the state of Louisiana  
26 have filed or recorded, or may hereafter file and record, bonds in the offices of the  
27 several clerks of court and ex-officio recorder of conveyances and mortgages, and  
28 the register of conveyances and mortgages of the parish of Orleans, with any surety  
29 company authorized to do business in the state of Louisiana as surety, as permitted

1 by existing laws, may, in lieu of such bonds of any surety company aforesaid,  
2 substitute a bond with personal surety acceptable to the presiding judge of the parish  
3 for which the civil law notary public is commissioned. The Secretary of State shall  
4 accept said substituted notarial bond with personal surety in lieu of notarial bond  
5 with surety company as surety.

6 §76. Release of surety company upon acceptance of personal surety bond

7 The Secretary of State for the state of Louisiana, upon filing and recordation  
8 of a notarial bond with the Secretary of State, with personal surety in lieu of a surety  
9 company, shall upon request execute a release of the surety company effective as of  
10 the date of the acceptance of the personal surety bond in lieu thereof.

11 §77. Cancellation of surety company bond

12 Upon presentation of such personal surety bond containing a certificate of its  
13 sufficiency by the presiding judge of the parish of the state for which the civil law  
14 notary public was commissioned, and certificate of approval by the Secretary of  
15 State to any clerk of court and ex-officio recorder of conveyances and mortgages,  
16 and the register of conveyances and mortgages of the parish of Orleans, the said  
17 clerk, register or recorder of mortgages, shall upon application by any interested  
18 party cancel and erase in full from the records of his office said notarial bond with  
19 surety company as surety now or hereafter recorded in the conveyance or mortgage  
20 records of his office.

21 ~~CHAPTER~~ SUB-CHAPTER 3. LEAVES OF ABSENCE

22 §131. Grant of leave of absence; suspension of prescription

23 A. The secretary of state on behalf of the governor may grant leave of  
24 absence to civil law notaries public for a period not exceeding thirty-six months, to  
25 date from the day the leave is granted.

26 B. Absence from the state suspends the running of prescription against the  
27 civil law notary public.

28 §132. ~~Notaries~~ Civil law notaries public in military service, leave of absence



1 or his employer maintains an office, without additional bonding or further  
2 application or examination.

3 (3)(a) A valid civil law notarial commission shall be one that has not been  
4 revoked or resigned, and that was issued to a person who, at the time of issuance in  
5 accordance with the provisions of this Section, possessed the qualifications for office  
6 set forth in Paragraph (A)(1) and Subsection B of this Section, and who is currently  
7 possessed of those qualifications.

8 (b) A validly appointed civil law notary public is a person who currently  
9 holds a valid civil law notarial commission.

10 (c) A civil law notarial commission that has been or is currently suspended  
11 by a court of competent jurisdiction as provided by R.S. 35:71(C), or otherwise by  
12 operation of law pursuant to R.S. 35:14 or for the failure of the civil law notary  
13 public to maintain the required bond or insurance, or for failure to timely file the  
14 annual report as provided by law, shall not, solely for the reason that it is a  
15 suspended commission, be deemed an invalid civil law notarial commission.

16 B. A resident citizen seeking to be appointed civil law notary public in the  
17 parish of his residence or possessing a valid civil law notarial commission in and for  
18 a parish based on his residence must be a registered voter of that parish.

19 C. Each applicant, otherwise qualified, may be appointed a civil law notary  
20 public in and for a parish upon meeting all of the following conditions:

21 (1)(a) Submitting an application to the office of the secretary of state  
22 together with a certificate establishing his age, residence, location of his office when  
23 the applicant seeks to be appointed a civil law notary public based on such office,  
24 and location of the office which was the basis for a current appointment as a civil law  
25 notary public in any other parish, if any.

26 \* \* \*

27 (ii) In the event that any of the applicant's answers or responses call into  
28 question the applicant's good moral character, integrity, or sober habits, the secretary  
29 of state shall submit such application to the district court in the parish for which the

1 appointment is sought for judicial review and approval. If found competent as to  
2 character and fitness to serve as a civil law notary public, the court shall issue to the  
3 secretary of state an appropriate certificate for the applicant signed by a judge of the  
4 court.

5 \* \* \*

6 (c) The office of the secretary of state shall charge a fee of thirty-five dollars  
7 for filing and processing any application to be appointed a civil law notary public  
8 provided for in Subparagraph (C)(1)(a) of this Section.

9 \* \* \*

10 (2)

11 \* \* \*

12 (b) To qualify to take the pre-assessment test, the applicant shall have  
13 satisfied all requirements to be commissioned as a civil law notary public in the  
14 parish, except for passing the examination as provided in R.S. 35:191.1.

15 (c) The pre-assessment test provided by this Paragraph shall be dispensed  
16 with if the applicant has been duly admitted to practice law in this state or holds a  
17 valid civil law notarial commission in this state.

18 (3)

19 \* \* \*

20 (b)(i) The civil law notary examination shall be given twice per year on the  
21 first Saturday of June and December. Should the scheduled Saturday be a state  
22 holiday, then the next non-holiday Saturday shall be the test date.

23 (ii) To qualify to be examined, the candidate shall have satisfied all  
24 requirements to be commissioned as a civil law notary public in the parish, except  
25 for passing the examination.

26 (iii) The qualified candidate shall be permitted to register for any civil law  
27 notary public examinations administered by the secretary of state within one year  
28 after the date the secretary of state notifies the candidate of his approval to take the

1 examination. No further application fee shall be required during this period. The  
2 required examination fee, however, shall be paid for each examination.

3 (c) The examination provided for in this Paragraph shall be dispensed with  
4 if the applicant has been duly admitted to practice law in this state or holds a valid  
5 civil law notarial commission in this state.

6 D. Notwithstanding any other provision of law to the contrary, any person  
7 who is validly appointed civil law notary public in and for the parish of Orleans, the  
8 parish of St. Bernard, the parish of Plaquemines, or the parish of Jefferson is hereby  
9 authorized and deemed eligible and qualified to exercise any and all of the functions  
10 of a civil law notary public in the parishes of Orleans, Plaquemines, St. Bernard, and  
11 Jefferson.

12 E.(1) Notwithstanding any other provision of law to the contrary, any person  
13 who has held a valid civil law notarial commission in or for any parish either for a  
14 period of five years or who has taken and passed the written examination, as  
15 provided in R.S. 35:191.1 on or after June 13, 2005, and who changes his residence  
16 to another parish, and who complies with the laws governing application and  
17 qualifying for appointment to the office of civil law notary public in the parish of his  
18 new residence, except taking and passing an examination, and who meets the  
19 prerequisites for commission issuance specified in R.S. 35:201, shall be issued a civil  
20 law notarial commission for the parish of his new residence by the governor without  
21 advice and consent of the Senate and may exercise the functions of civil law notary  
22 public in that parish.

23 (2) A civil law notary public who is establishing a residence in a parish other  
24 than the parish of his commission and who seeks a commission in the parish of the  
25 new residence shall be deemed to be validly commissioned in the parish of his  
26 former residence for a period of sixty days, during which time he shall meet all the  
27 qualifications for appointment in and for the parish of the new residence. Should  
28 such civil law notary public desire to remain commissioned in the original parish  
29 based on maintaining an office in that parish, he shall file an affidavit to that effect

1 with the secretary of state designating the location of the office and shall otherwise  
2 comply with the requirements for maintaining a dual commission as provided for in  
3 this Section.

4 F. Notwithstanding any other provision of law to the contrary, any person  
5 who is validly appointed civil law notary public in and for any of the parishes of  
6 Tangipahoa, Livingston or St. Helena is hereby authorized and deemed eligible and  
7 qualified to exercise any and all of the functions a civil law notary public in the  
8 parishes of Tangipahoa, Livingston and St. Helena.

9 G. Notwithstanding any other provision of law to the contrary, any person  
10 who is validly appointed civil law notary public in and for any of the parishes of  
11 Bienville, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse,  
12 Ouachita, Richland, Union, or West Carroll is hereby authorized and deemed eligible  
13 and qualified to exercise any and all of the functions of a civil law notary public in  
14 the parishes of Bienville, Caldwell, East Carroll, Franklin, Jackson, Lincoln,  
15 Madison, Morehouse, Ouachita, Richland, Union, or West Carroll.

16 H. Notwithstanding any other provision of law to the contrary, any person  
17 who is validly appointed civil law notary public in and for any of the parishes of  
18 Caddo, Bossier, Bienville, DeSoto, Claiborne, or Webster is hereby authorized and  
19 deemed eligible and qualified to exercise any and all of the functions of a civil law  
20 notary public in the parishes of Caddo, Bossier, Bienville, DeSoto, Claiborne, and  
21 Webster. No additional bonding or further application or examination shall be  
22 required due to the expanded jurisdictional limits authorized by this Subsection.

23 I. Notwithstanding any other provision of law to the contrary, any person  
24 who is validly appointed civil law notary public in and for either of the parishes of  
25 Catahoula or Concordia is hereby authorized and deemed eligible and qualified to  
26 exercise any and all of the functions of a civil law notary public in the parishes of  
27 Catahoula and Concordia.

28 J. Notwithstanding any other provision of law to the contrary, any person  
29 who is a validly appointed civil law notary public in and for either of the parishes of

1 Iberia or St. Mary is hereby authorized and deemed eligible and qualified to exercise  
2 any and all of the functions of a civil law notary public in the parishes of Iberia and  
3 St. Mary.

4 K. Notwithstanding any other provision of law to the contrary, any person  
5 who is validly appointed civil law notary public in and for any of the parishes of  
6 Allen, Beauregard, Calcasieu, Cameron, Vernon, or Jefferson Davis is hereby  
7 authorized and deemed eligible and qualified to exercise any and all functions of a  
8 civil law notary public in the parishes of Allen, Beauregard, Calcasieu, Cameron,  
9 Vernon, and Jefferson Davis. No additional bonding or further application or  
10 examination shall be required due to the expanded jurisdictional limits authorized by  
11 this Subsection.

12 L. Any civil law notary public in and for the parish of Acadia, Lafayette, or  
13 Vermilion is hereby authorized and qualified to exercise all of the functions of a civil  
14 law notary public in and for any of said parishes. No additional bonding or further  
15 application or examination shall be required due to the expanded jurisdictional limits  
16 authorized by this Subsection.

17 M. Any civil law notary public appointed in and for the parish of Iberia or  
18 Vermilion is hereby authorized and qualified to exercise any and all functions of a  
19 civil law notary public in both parishes. No additional bonding or further application  
20 or examination shall be required due to the expanded jurisdictional limits authorized  
21 by this Subsection.

22 N. Any civil law notary public appointed in and for the parish of Ascension,  
23 East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, West Baton  
24 Rouge, or West Feliciana is hereby authorized and qualified to exercise all of the  
25 functions of a civil law notary public in and for any of said parishes. No additional  
26 bonding or further application or examination shall be required due to the expanded  
27 jurisdictional limits authorized by this Subsection.

28 O. Notwithstanding any other provision of law to the contrary, any person  
29 who is validly appointed civil law notary public in and for any of the parishes of

1 Acadia, Evangeline, or St. Landry is hereby authorized and deemed eligible and  
2 qualified to exercise any and all of the functions of a civil law notary public in the  
3 parishes of Acadia, Evangeline, and St. Landry. No additional bonding or further  
4 application or examination shall be required due to the expanded jurisdictional limits  
5 authorized by this Subsection.

6 P.(1)(a) Notwithstanding any other provision of law to the contrary including  
7 but not limited to the provisions of Subsection E of this Section and the duties  
8 imposed in that Subsection as a result of a change in residence, each person who is  
9 licensed to practice law in this state who is a civil law notary public in and for any  
10 parish in this state may exercise the functions of a civil law notary public in every  
11 parish in this state.

12 (b) Notwithstanding any other provision of law to the contrary, each person  
13 who is a validly appointed civil law notary public in and for any parish in this state  
14 and who has taken and passed the written examination, as provided in R.S. 35:191.1  
15 on or after June 13, 2005, may exercise the functions of a civil law notary public in  
16 every parish in this state.

17 \* \* \*

18 (2) In order to qualify for the expanded jurisdictional limits authorized by  
19 this Subsection, any regularly commissioned civil law notary public in and for any  
20 parish in this state who is not licensed to practice law in this state and who has not  
21 taken and passed the written examination as provided in R.S. 35:191.1 on or after  
22 June 13, 2005, may take the examination provided that he register directly with the  
23 secretary of state on a form provided for that purpose and pay the examination fee  
24 authorized by law no later than forty-five days before the date of a scheduled  
25 examination. Failure of such civil law notary public to pass the examination shall  
26 have no effect on the status of the commission of the civil law notary public.

27 Q. Notwithstanding any other provision of law to the contrary, any person  
28 who is validly appointed civil law notary public in and for either of the parishes of  
29 Lafayette or St. Landry is hereby authorized and qualified to exercise all of the

1 functions of a civil law notary public in and for both parishes. No additional bonding  
2 or further application or examination shall be required due to the expanded  
3 jurisdictional limits authorized by this Subsection.

4 R. Notwithstanding any other provision of law to the contrary, any person  
5 who is a validly appointed civil law notary public in and for any of the parishes of  
6 Iberia, St. Martin, or St. Mary is hereby authorized and deemed eligible and qualified  
7 to exercise any and all of the functions of a civil law notary public in the parishes of  
8 Iberia, St. Martin, and St. Mary. No additional bonding or further application or  
9 examination shall be required due to the expanded jurisdictional limits authorized by  
10 this Subsection.

11 S. Notwithstanding any other provision of law to the contrary, any person  
12 who is a validly appointed civil law notary public in and for the parish of Sabine,  
13 Natchitoches, Red River, Bienville, Winn, or Vernon is hereby authorized and  
14 deemed eligible and qualified to exercise any and all of the functions of a civil law  
15 notary public in the parish of Sabine, Natchitoches, Red River, Bienville, Winn, or  
16 Vernon. No additional bonding or further application or examination shall be  
17 required due to the expanded jurisdictional limits authorized by this Subsection.

18 T. Notwithstanding any other provision of law to the contrary, any person  
19 who is a validly appointed civil law notary public in and for any of the parishes of  
20 Avoyelles, Grant, or Rapides is hereby authorized and deemed eligible and qualified  
21 to exercise any and all of the functions of a civil law notary public in the parishes of  
22 Avoyelles, Grant, and Rapides. No additional bonding or further application or  
23 examination shall be required due to the expanded jurisdictional limits authorized by  
24 this Subsection.

25 U. Notwithstanding any other provision of law to the contrary, any person  
26 who is validly appointed civil law notary public in and for the parish of St. Mary, the  
27 parish of Assumption, the parish of Lafourche, or the parish of Terrebonne is hereby  
28 authorized and deemed eligible and qualified to exercise any and all of the functions

1 of civil law notary public in the parishes of St. Mary, Assumption, Lafourche, and  
2 Terrebonne.

3 ~~V.(1) Any civil law notary public appointed in and for the parishes of Allen,  
4 Beauregard, Calcasieu, Cameron, Jefferson, Jefferson Davis, Plaquemines, Orleans,  
5 St. Bernard, St. Tammany, Vermilion, and Washington who was displaced in the  
6 aftermath of Hurricane Katrina or Hurricane Rita may exercise any and all of the  
7 functions of a civil law notary public in the parish of his temporary residence and in  
8 any other parish with which the parish of his temporary residence is grouped under  
9 the provisions of Subsections D, F through O, and Q through U of this Section,  
10 provided that such civil law notary public registers his temporary address with the  
11 secretary of state. No additional bonding requirement or examination shall be  
12 required under the authority granted by this Subsection.~~

13 ~~(2) Any civil law notary public qualified under Paragraph (V)(1) of this  
14 Section who complies with the laws governing application and qualifying for  
15 appointment to the office of civil law notary public in said parish, except taking and  
16 passing an examination, and who meets the prerequisites for commission issuance  
17 specified in R.S. 35:201, shall be issued a civil law notarial commission for the  
18 parish of his new residence by the governor without advice and consent of the Senate  
19 and may exercise the functions of civil law notary public in that parish.~~

20 ~~(3) The authority granted by this Subsection shall expire on January 1, 2007.~~

21 ~~W.(1)(a) Notwithstanding any provision of this Section or any other law to  
22 the contrary, any person who resides in a parish with a population of less than forty  
23 thousand, and who has passed the examination provided by R.S. 35:191.1, except for  
24 any performance assessment component, during examinations administered between  
25 December 1, 2009, and December 31, 2012, may be provisionally appointed to the  
26 office of civil law notary public in and for that parish upon fulfillment of all  
27 requirements of this Subsection and upon meeting all other qualifications necessary  
28 to be appointed to the office of civil law notary public in this state.~~

1           ~~(b) Notwithstanding any provision of this Section or any other law to the~~  
2           ~~contrary, any person who resides in a parish with a population of less than forty~~  
3           ~~thousand and who passes the examination provided by R.S. 35:191.1, except for any~~  
4           ~~performance assessment component, during examinations administered after January~~  
5           ~~1, 2013, and before August 1, 2017, may be provisionally appointed to the office of~~  
6           ~~civil law notary public in and for that parish upon fulfillment of all requirements of~~  
7           ~~this Subsection and upon meeting all other qualifications necessary to be appointed~~  
8           ~~to the office of civil law notary public in this state.~~

9           ~~(c) A person appointed as civil law notary public pursuant to the provisions~~  
10          ~~of this Subsection shall be referred to as a provisional notary public.~~

11          ~~(2)(a) A provisional notary public commissioned pursuant to this Subsection~~  
12          ~~shall have authority to exercise all the powers of a civil law notary public~~  
13          ~~commissioned in this state as enumerated in R.S. 35:2, but shall exercise civil law~~  
14          ~~notarial functions only within the course and scope of his employment and under the~~  
15          ~~direction of a supervisor for the employer who is not a provisional law notary public~~  
16          ~~commissioned under this Subsection. The term "employer" as used in this~~  
17          ~~Subsection shall include only businesses that are in existence on January 1, 2013, but~~  
18          ~~shall not include a business whose primary function is to provide notary services.~~  
19          ~~The exercise of any civil law notarial functions under this Subsection shall be~~  
20          ~~deemed to be within the course and scope of employment if either of the following~~  
21          ~~is applicable:~~

22                 ~~(i) The employer of the provisional notary is a party to the act or other~~  
23                 ~~instrument being sworn to, acknowledged, or passed before the notary, or the act or~~  
24                 ~~other instrument is necessary to or incidental to the business activities or operations~~  
25                 ~~of the employer.~~

26                 ~~(ii) At least one of the persons appearing before the provisional notary to~~  
27                 ~~execute an affidavit, acknowledgment, or other notarial act or instrument is a former,~~  
28                 ~~current, or prospective client or customer of the employer.~~

1           (b) ~~A provisional notary public commissioned pursuant to this Subsection~~  
2           ~~shall not do any of the following in the course and scope of his employment:~~

3           ~~(i) Draft and prepare a last will and testament or donation mortis causa.~~

4           ~~(ii) Draft and prepare a trust.~~

5           ~~(iii) Draft and prepare any instrument that transfers title to immovable~~  
6           ~~property including but not limited to an act of sale or act of donation.~~

7           ~~(3) A provisional notary public commissioned pursuant to this Subsection~~  
8           ~~shall have jurisdiction within the parish of commission, and in any adjacent parish~~  
9           ~~with a population of less than forty thousand where the employer of the provisional~~  
10          ~~notary public maintains an office.~~

11          ~~(4)(a) All provisional notaries public commissioned pursuant to this~~  
12          ~~Subsection shall post and maintain a bond, at the expense of the employer, with a~~  
13          ~~commercial surety licensed in this state, in the amount of twenty thousand dollars~~  
14          ~~conditioned on the faithful performance of all duties required by law toward all~~  
15          ~~persons who receive his services in his official capacity as provisional notary public.~~  
16          ~~The minimum bond requirements described in this Paragraph shall be in lieu of those~~  
17          ~~provided by R.S. 35:71.~~

18          ~~(b) The employer shall hold the provisional notary public harmless for any~~  
19          ~~claim made against his bond when the provisional notary public is acting in the~~  
20          ~~course and scope of the employment or under the direction of the employer.~~

21          ~~(c) All persons requesting a commission pursuant to this Subsection shall,~~  
22          ~~in addition to all other documents required for issuance of a commission pursuant to~~  
23          ~~this Title, submit a statement signed by the applicant and the employer of the~~  
24          ~~applicant providing all of the following:~~

25          ~~(i) The name and principal business address of the employer.~~

26          ~~(ii) The primary address at which the applicant will exercise notarial~~  
27          ~~functions.~~

28          ~~(iii) An acknowledgment of the limits of the authority and jurisdiction of a~~  
29          ~~commission issued pursuant to the provisions of this Subsection and the penalties~~

1 that may be imposed for violations of the limitations and prohibitions imposed by  
2 this Subsection.

3 (d) All provisional notaries public commissioned pursuant to this Subsection  
4 shall be required to attend a notary orientation class approved by the secretary of  
5 state.

6 (5)(a) If the employer named in the statement required by Subparagraph  
7 (4)(c) of this Subsection terminates the employment of the provisional notary public  
8 commissioned pursuant to this Subsection, or if the employer no longer wishes to  
9 be bound by the provisions of this Subsection with respect to any person  
10 commissioned pursuant to its provisions, the employer shall immediately send  
11 written notice to the secretary of state, and the commission shall be automatically  
12 revoked unless the provisional notary public complies with the provisions of Item  
13 (b)(i) or (ii) of this Paragraph.

14 (b) If the provisional notary public commissioned pursuant to the provisions  
15 of this Subsection voluntarily terminates his employment with the employer named  
16 in the statement required by Subparagraph (4)(c) of this Subsection, the provisional  
17 notary public shall immediately send written notice to the secretary of state, and the  
18 commission shall be assigned a status as follows:

19 (i) If the provisional notary public declares in writing his intention to remain  
20 qualified under this Subsection, the secretary of state shall assign the provisional  
21 notary public a provisional inactive status until the provisional notary public submits  
22 a new statement required by Subparagraph (4)(c) of this Subsection, and the  
23 provisional notary public shall exercise no notarial functions until the secretary of  
24 state notifies him and the new employer that the required statement has been  
25 received and that the commission registry reflects a provisional active status.

26 (ii) If the provisional notary public declares in writing his intention to  
27 pursue successful completion of the performance assessment component of the  
28 examination provided by R.S. 35:191.1, the secretary of state shall assign the  
29 provisional notary public a provisional inactive status until he passes the

1 performance assessment component, and the provisional notary public shall exercise  
2 no notarial functions until he passes the performance assessment component and is  
3 notified by the secretary of state that his commission status is changed.

4 (6)(a) No notarial act executed by a provisional notary public commissioned  
5 pursuant to this Subsection shall be deemed invalid or unenforceable as a notarial act  
6 solely on the basis that the execution of the act exceeded the authority or jurisdiction  
7 limitations imposed by Paragraphs (2) and (3) of this Subsection.

8 (b) An employer shall have no liability to any person for any damages  
9 caused by the negligent or fraudulent errors or omissions by any provisional notary  
10 public commissioned pursuant to this Subsection when the exercise of the notarial  
11 functions giving rise to the damages was occasioned by the provisional notary public  
12 acting outside the course and scope of his employment as established by this  
13 Subsection.

14 (7) Any person receiving a provisional notary public commission pursuant  
15 to this Subsection may have his commission suspended or revoked by the court  
16 pursuant to R.S. 35:15. In addition, upon receipt of a sworn affidavit and a  
17 determination by the secretary of state that reasonable grounds exist requiring  
18 immediate action in order to protect the public from unauthorized notarial practice,  
19 the secretary of state may summarily suspend the commission of a provisional notary  
20 public commissioned pursuant to this Subsection prior to the rule to show cause  
21 hearing provided for in R.S. 35:15. Upon such a suspension, the secretary of state  
22 shall notify the provisional notary public whose commission was suspended by  
23 certified mail, return receipt requested, and include a copy of the order of immediate  
24 suspension informing the provisional notary public that he has thirty days from  
25 receipt of the notice to file a written appeal with the secretary of state contesting the  
26 decision to suspend the commission. During such a period of suspension, the  
27 provisional notary public shall have no authority to exercise any of the duties or  
28 functions of a notary public. If the provisional notary public fails to file a written  
29 appeal within thirty days of receipt of the notice or if no later than thirty days after

1 receipt of the notary's written appeal the secretary of state determines that the  
2 suspension should be upheld, the secretary of state shall notify the district attorney  
3 of the parish in which the provisional notary public is commissioned for the purpose  
4 of institution of the rule to show cause proceeding to revoke the commission  
5 pursuant to R.S. 35:15.

6 (8) ~~The secretary of state shall on or before March 1, 2014, and March 1,~~  
7 ~~2015, provide a written report to the House Civil Law and Procedure Committee and~~  
8 ~~the Senate Committee on Judiciary A detailing the intervening progress in~~  
9 ~~implementation of the acts which originated as House Bill No. 929 (Acts 2012, No.~~  
10 ~~279) and House Bill No. 1192 (Acts 2012, No. 829) of the 2012 Regular Session.~~  
11 ~~The secretary of state shall include in his report a compilation of the results of the~~  
12 ~~notary examinations administered, the number of non-attorney and provisional~~  
13 ~~notaries public commissioned in Louisiana, the parishes where such provisional~~  
14 ~~notaries public are authorized to practice as a provisional notary public , and the~~  
15 ~~number of provisional notaries public whose commission has been suspended by the~~  
16 ~~secretary of state, or suspended and/or or revoked by the court.~~

17 (9) ~~The provisions of this Subsection shall expire on August 1, 2017, and any~~  
18 ~~commission granted pursuant to this Subsection shall also expire on that date, except~~  
19 ~~if the provisional notary public has, subsequent to issuance of a commission pursuant~~  
20 ~~to this Subsection, passed all components of the examination provided by R.S.~~  
21 ~~35:191.1 on or before August 1, 2017.~~

22 §191.1. Secretary of state; uniform statewide standards, rules, and procedures for  
23 civil law notarial examinations

24 A. The secretary of state shall, with the advice and assistance of the courts  
25 and such subject matter experts as the secretary of state may request, develop  
26 uniform statewide standards for civil law notarial examinations required by R.S.  
27 35:191(C), which shall be administered at regional testing centers by the secretary  
28 of state. The standards developed shall include all of the following:

29 \* \* \*

1 C. The secretary of state is authorized to develop, with the advice and  
2 assistance of academically credentialed education professionals, a civil law notary  
3 education program for the formal education of candidates for a civil law notary  
4 commission.

5 §191.2. Secretary of state; authority; duties

6 The secretary of state shall:

7 (1) Develop a system for compiling and maintaining a current and accurate  
8 database of all civil law notaries public, notaries public, and ex officio notaries in  
9 this state and assign to each notary a unique "notary identification number".

10 (2) Develop the annual report form and mail by United States Postal Service,  
11 or provide by electronic means, the annual report form:

12 (a) To all civil law notaries public and notaries public required to submit an  
13 annual report pursuant to R.S. 35:202(A) and R.S. 35:307, at least sixty days prior  
14 to the anniversary of the date each civil law notary public and notary public received  
15 his commission, commencing with anniversaries occurring on January 1, 2004.

16 \* \* \*

17 (3) Collect a fee for receiving and processing the annual report of each civil  
18 law notary public and notary public, not to exceed twenty-five dollars per report.

19 \* \* \*

20 §191.3. Notary change of address; duty to register

21 A. It shall be the duty of every civil law notary public or other person  
22 authorized to exercise civil law notarial functions in the state to whom the secretary  
23 of state has issued a civil law notary identification number to notify the office of the  
24 secretary of state within sixty days after the date of any change in residential address,  
25 mailing address, or both.

26 B. The secretary of state shall include notice of this requirement on its civil  
27 law notary annual report form.

28 §191.4. Secretary of state; procedures for registration and reporting of civil law  
29 notary instructors



1 governor, approved by the clerk, and if secured by personal surety, recorded in the  
2 mortgage office of the parish.

3 \* \* \*

4 §193. Original surety company bond; necessity for recordation

5 In all cases where civil law notaries public furnish bond for the faithful  
6 performance of their duties, signed by a surety company, authorized to do business  
7 in this state, it shall not be necessary to record the bond in the office of the recorder  
8 of mortgages of the parish where the civil law notary public performs his duties, and  
9 in all cases, when existing bonds or future bonds of this character are filed and  
10 recorded in the mortgage office, they shall not operate as mortgages upon the  
11 property of the principal.

12 §194. Substitution of personal surety bond or special mortgage

13 In all cases where civil law notaries public throughout the state have filed or  
14 recorded bonds in the offices of the several clerks of court and ex officio recorders  
15 of mortgages, with personal or individual surety, or who have executed and recorded  
16 a special mortgage on immovable property, as permitted by existing law, may, in lieu  
17 of such bonds, and in lieu of such special mortgages, substitute a bond in the same  
18 sum with any surety company authorized to do business in the state as surety.

19 §195. Cancellation of personal surety bond or special mortgage

20 Upon presentation of the surety bond provided for in R.S. 35:194 to any clerk  
21 of court and ex-officio recorder of mortgages, the clerk shall file the bond, and upon  
22 application by any interested party, shall cancel and erase in full from the records of  
23 his office any bond with personal surety recorded in the mortgage records of his  
24 office, and likewise any special mortgage executed and recorded by any civil law  
25 notary public, conditioned for the faithful performance of his duties as civil law  
26 notary public.

27 §196. Substituted surety company bond; necessity for recordation

28 The surety bond provided for in R.S. 35:194 shall not be recorded in the  
29 mortgage records of the clerks of court and ex-officio recorders of mortgages and

1 shall not in any event be an encumbrance against the property of any civil law notary  
2 public making and executing such bond.

3 \* \* \*

4 §198. Liability of civil law notary public and surety; effect of surety company bond;  
5 cancellation of bond for nonpayment

6 A. Nothing contained in R.S. 35:193 shall in any way affect the liability of  
7 a civil law notary public for the failure to perform his duties, nor the liability of his  
8 surety for any neglect thereof, or in any way alter the requirements of the recording  
9 of bonds not signed by a surety company, or their legal effect when so recorded.

10 B. When the civil law notary public in Orleans Parish has given bond with  
11 a surety company, the surety has the right to cancel the bond for nonpayment of the  
12 premium by giving notice through registered mail to the custodian of notarial records  
13 for the parish of Orleans. This notice must be given thirty days prior to any  
14 anniversary date of the bond, after which anniversary date the liability of the surety  
15 company on the bond shall cease.

16 §199. Duty to file, register, or record notarial instruments

17 A. ~~Notaries~~ Civil law notaries public shall record all acts of sale, exchange,  
18 donation, and mortgage of immovable property passed before them, together with  
19 all resolutions, powers of attorney, and other documents annexed to or made part of  
20 the acts, in their proper order, and after first making a careful record of the acts in  
21 record books to be kept for that purpose as follows:

22 (1) If the immovable is located in this state outside of the parish of Orleans,  
23 the civil law notary public shall record the instrument within fifteen days after they  
24 are passed, with the appropriate recorder of the parish or parishes in which the  
25 immovable property is situated.

26 (2)(a) If the immovable is situated within the parish of Orleans, the civil law  
27 notary public shall file the instrument in the office of the custodian of notarial  
28 records for the parish of Orleans and record the instrument with the register of  
29 conveyances or recorder of mortgages or both.

1 (b) If the instrument is an act of sale or any other act evidencing a transfer  
2 of immovable property situated in the parish of Orleans, it shall be the duty of the  
3 civil law notary public to cause the act to be registered with the office of the clerk  
4 as the recorder for the parish of Orleans, within forty-eight hours after the passage  
5 of the act.

6 (c) The original of every authentic act, except chattel mortgages and acts  
7 relating to immovable property outside of Orleans Parish, passed before a civil law  
8 notary public in Orleans Parish, and also every act, contract, and instrument except  
9 money judgments and chattel mortgages filed for record in the offices of either the  
10 recorder of mortgages or the registrar of conveyances for the parish of Orleans, shall,  
11 as a condition precedent to such filing in the office of the recorder of mortgages or  
12 the register of conveyances for the parish of Orleans, be first filed in the notarial  
13 archives of the parish of Orleans.

14 B. The provisions of Subsection A of this Section shall not be applicable to  
15 instruments affecting cemetery plots and shall not be so construed as embracing  
16 inventories or partitions or any other act required by law to be performed by civil law  
17 notaries public or parish recorders under any order of court, but the original of all  
18 such acts, without being recorded, shall be returned to the court from which the order  
19 is issued.

20 C. All civil law notaries public who contravene the provisions of this Section  
21 shall be subject to a fine of two hundred dollars for each infraction of the same, to  
22 be recovered before any court of competent jurisdiction, one-half for the benefit of  
23 the informer, as well as all such damages as the parties may suffer thereby.

24 D. A civil law notary public shall be relieved of his obligations under  
25 Paragraph (A)(1) and Subparagraph (A)(2)(a) of this Section when he has been  
26 expressly directed in writing by all parties to the instrument to defer or refrain from  
27 such recordation or to deliver the instruments to one of the parties or to another  
28 person.

29 §200. Limitation on actions

1           A. No action for damages against any civil law notary public duly  
2           commissioned in any parish in this state, any partnership of such civil law notaries  
3           public, or any professional corporation, company, organization, association,  
4           enterprise, or other commercial business or professional combination answerable for  
5           the damage occasioned by such civil law notary public in the exercise of the  
6           functions of a civil law notary public, whether based upon tort, or breach of contract,  
7           or otherwise, arising out of an engagement to provide notarial services shall be  
8           brought unless filed in a court of competent jurisdiction and proper venue within one  
9           year from the date of the alleged act, omission, or neglect, or within one year from  
10          the date that the alleged act, omission, or neglect is discovered or should have been  
11          discovered; however, even as to actions filed within one year from the date of such  
12          discovery, in all events such actions shall be filed at the latest within three years  
13          from the date of the alleged act, omission, or neglect.

\* \* \*

15          C. Notwithstanding any other law to the contrary, in all actions brought in  
16          this state against any civil law notary public duly commissioned in this state, any  
17          partnership of such civil law notaries public, or any professional corporation,  
18          company, organization, association, enterprise, or other commercial business or  
19          professional combination answerable for the damage occasioned by such civil law  
20          notary public in the exercise of the functions of a civil law notary public, the  
21          prescriptive and preemptive period shall be governed exclusively by this Section.

\* \* \*

23          F. The provisions of this Section shall not apply to civil law notaries public  
24          who are attorneys, who shall be subject to the provisions of R.S. 9:5605.

\* \* \*

26 §201. Granting of commission; prerequisites

27          A. Before the governor shall issue to the applicant a commission of civil law  
28          notary public for any parish, he shall require of him the production of all of the  
29          following:

1 \* \* \*

2 C. Notwithstanding any other provision of law to the contrary, an  
3 appointment to the office of civil law notary public that requires the advice and  
4 consent of the Senate shall be an interim appointment subject to Senate confirmation  
5 as follows:

6 \* \* \*

7 (3) Any person whose appointment is not confirmed by the Senate shall not  
8 be appointed to the office of civil law notary public in any parish during any recess  
9 of the legislature.

10 (4)(a) Notwithstanding any other provision of this Section to the contrary,  
11 if it is discovered prior to the time that the appointment is submitted to the Senate for  
12 confirmation that the interim appointee to hold the office for which a commission  
13 has been issued does not meet the qualifications for appointment, the secretary of  
14 state on behalf of the governor shall notify the appointee by certified mail that the  
15 appointee will not be submitted for Senate confirmation until the appointee meets the  
16 qualifications for appointment. The appointee shall thereafter exercise no civil law  
17 notarial duties or functions until the appointee meets the qualifications for  
18 appointment. If the appointee fails to meet the qualifications for appointment and  
19 the appointment terminates or expires as provided in this Subsection, the commission  
20 shall be rescinded and the appointee shall surrender his commission to the secretary  
21 of state.

22 \* \* \*

23 §202. Annual report; filing fee; penalties; suspension

24 A. Except as provided in Subsection F of this Section, all regularly  
25 commissioned non-attorney civil law notaries public and notaries public shall file an  
26 annual report with the secretary of state on or before the anniversary date of his  
27 commission on the form developed and mailed, or provided by electronic means, by  
28 the secretary of state pursuant to R.S. 35:191.2(2)(a), together with payment of the  
29 filing fee established by the secretary of state pursuant to R.S. 35:191.2(3). The

1 annual report shall be completed in full and signed by the civil law notary public or  
2 notary public submitting the report.

3 B. Except as provided in Subsection F of this Section, a civil law notary  
4 public or notary public who fails to timely file the required annual report and pay the  
5 filing fee pursuant to Subsection A of this Section shall be assessed a late fee not to  
6 exceed fifty dollars by the secretary of state.

7 C. The commission of any civil law notary public or notary public who fails  
8 to timely file his fully completed annual report within sixty days after its due date as  
9 provided in Subsection A of this Section shall be automatically suspended, and the  
10 civil law notary public or notary public shall have no authority to exercise any of the  
11 duties or functions of a civil law notary public or notary public until a current  
12 required annual report has been filed, and the civil law notary public or notary public  
13 has paid all accrued fees and late charges for a period not to exceed three years in  
14 connection with the suspension of his commission.

15 \* \* \*

16 E. The secretary of state shall send by certified mail to any office, agency,  
17 department of the state, or political subdivision of the state which fails to timely file  
18 the required annual report within the delays provided by Subsection D of this Section  
19 a notice of such failure to timely file the required report. The authority of a person  
20 appointed as an ex officio notary or otherwise authorized by the revised statutes and  
21 codes of this state to exercise the function of a any notary public and the authority  
22 of any office, agency, department of the state, or political subdivision of the state to  
23 appoint ex officio notaries or to otherwise authorize persons to exercise any notarial  
24 functions shall be suspended if the annual report is not filed within sixty days as  
25 provided in this Section.

26 F. A civil law notary public granted a leave of absence by the governor  
27 pursuant to R.S. 35:131 or 132 shall not be subject to the fees or penalties established  
28 by Subsection A, B, or C of this Section during the term of his leave of absence.



1        §302. Notarial commission

2            A. A notarial commission issued pursuant to this Chapter to a person  
3        meeting the qualifications of this Chapter shall be a notarial commission.

4            B. A person commissioned pursuant to the provisions of Subsection A of this  
5        Section shall be referred to as a notary public.

6        §303. Qualifications and appointment

7            A. Any citizen of this state may be appointed a notary public in and for this  
8        state provided he meets the qualifications set forth in R.S. 35:191(A)(1) and (B).

9            B. Each applicant shall submit to the secretary of state an application to be  
10       appointed a notary public with a certificate establishing his qualifications set forth  
11       in R.S. 191(A)(1) and (B), identifying the location of his office, and including a  
12       statement of the applicant's good moral character, integrity, and competency, sworn  
13       to and subscribed by two citizens of this state before a civil law notary public or ex  
14       officio notary public authorized to receive oaths and affirmations.

15           C. The office of the secretary of state shall charge a fee of thirty-five dollars  
16       for filing and processing any application to be appointed a notary public or to renew  
17       a notarial commission provided by this Chapter.

18           D. Notarial commissions issued by the secretary of state pursuant to the  
19       provisions of this Chapter shall be valid for three years.

20           E. The secretary of state shall issue a notarial commission to each person  
21       who fulfills the requirements of this Section and who submits a certificate of posting  
22       bond or obtaining insurance pursuant to R.S. 35:304.

23        §304. Bond requirement

24           A. Unless otherwise provided by law, the authority of a notary public to  
25       exercise any of the functions of a notary public shall remain in effect, provided that  
26       the notary posts and maintains bond, with good and solvent security, in the amount  
27       of five thousand dollars conditioned on the faithful performance of all duties  
28       required by law toward all persons who may employ him in his official capacity as

1 notary public, or that the notary maintains a minimum of five thousand dollars in  
2 errors and omissions insurance coverage.

3 B. All additional requirements for the filing, renewing, cancellation, and  
4 other matters applicable to the requirement of posting bond or maintaining insurance  
5 as provided by Sub-Chapter 2 of Chapter 1 of this Title shall apply to notaries public.

6 §305. General powers and limitations; jurisdiction; required information; nullity of  
7 acts beyond scope of authority

8 A.(1)(a) Notaries public have the power to administer oaths and affirmations,  
9 receive sworn statements, certify the authenticity of copies of documents, and to  
10 generally verify signatures on documents.

11 (b) Notaries public shall include in their acts all information required by R.S.  
12 35:11 and 12, and shall specify their title as "Notary Public".

13 (2) Notaries public shall not have the full authority of a civil law notary  
14 public. Notaries public shall have no authority to make or draft any document or  
15 instrument to be signed and sealed or executed by any civil law notary public, notary  
16 public, or ex officio notary public, particularly including authentic acts,  
17 acknowledgments of acts under private signature, wills, testaments, contracts, any  
18 instrument conveying, leasing, or establishing a right in or over immovable or  
19 movable property, any instrument related to family, domestic relations, succession,  
20 or probate purposes or proceedings.

21 (3) Acts executed or acknowledged before a notary public shall not be self-  
22 authenticating or regarded prima facie as the true and genuine act of the party  
23 executing it for purposes of admissibility pursuant to Code of Evidence Article 902  
24 or other applicable law.

25 B. Except as provided by Civil Code Articles 1833 through 1836 relative to  
26 self-authentication and admissibility into evidence, any notarial action taken by a  
27 notary public that is beyond the scope of the limited powers provided by this Section  
28 shall be null and void.

29 §306. Fees

1           The maximum fee a notary public may charge is ten dollars, unless otherwise  
2           specified by law.

3           §307. Annual report

4           Notaries public shall file an annual report and be subject to the procedures  
5           and penalties as provided by R.S. 35:202(A), (B), and (C).

6           §308. Revocation or suspension of notarial commission

7           A. A notary public who is not an attorney may have his notarial commission  
8           and powers revoked or suspended when it is demonstrated, by clear and convincing  
9           evidence after an administrative hearing, that the notary has engaged in any of the  
10           acts specified in R.S. 35:15.

11           B. The administrative hearing shall be instituted by the secretary of state in  
12           either the parish in which the notary public is commissioned or the parish where the  
13           conduct complained of occurred. Such hearing shall be held pursuant to  
14           administrative rules established pursuant to R.S. 35:310.

15           C.(1) If the hearing officer finds that the notary public was convicted of a  
16           felony for which no pardon has been issued, or engaged in an act of gross  
17           misconduct or malfeasance in the exercise of his notarial powers, or ceased to  
18           possess any qualification required for holding his commission, the hearing officer  
19           shall order the revocation of the notary's commission and shall prohibit the notary  
20           from the further exercise of notarial powers.

21           (2) If the hearing officer finds that the notary public committed any other act  
22           set forth in Subsection A of this Section, the hearing officer may revoke the notary's  
23           commission and prohibit the notary from further exercise of notarial powers, or may  
24           suspend his commission and authority to exercise notarial powers for a specific  
25           period of time, to be determined by the hearing officer.

26           D. The hearing officer ordering the revocation of a notary public's  
27           commission or the suspension of his notarial powers shall further cast the notary in  
28           judgment for attorney fees and costs incurred for the hearing. The hearing officer  
29           may additionally order restitution to be paid by the notary public to such persons as

1 the hearing officer determines were damaged by the conduct giving rise to the  
2 suspension of notarial powers or the revocation of commission.

3 §309. Liability, duties, and limitations on actions

4 The liability, duties, and limitations on actions provided for civil law notaries  
5 public by R.S. 35:198 through 200 shall also apply to notaries public.

6 §310. Rules

7 The secretary of state shall adopt rules and regulations in accordance with the  
8 Administrative Procedure Act as deemed necessary for the implementation of this  
9 Chapter. The rules shall include provisions for disciplinary procedures to regulate  
10 the actions of notaries public commissioned pursuant to the provisions of this  
11 Chapter and to protect the general public.

12 CHAPTER ~~6.~~ 3. EX OFFICIO NOTARIES

13 \* \* \*

14 §392.1. Ex officio notaries

15 A. Any person, not a regularly commissioned civil law notary public or  
16 notary public, who is an ex officio notary, or who is otherwise authorized under the  
17 various revised statutes and codes of this state to administer oaths or exercise any or  
18 all of the functions, powers, and authority of a civil law notary public or notary  
19 public, is authorized to perform those functions, powers, and authority only as they  
20 are directly related to and required for the operation of the office, agency, or  
21 department under which the authority is granted. All acts which are performed  
22 beyond the specific authority granted in the various statutes and codes of this state  
23 to administer oaths and to perform the functions, powers, and authority of a notary  
24 and which are not directly related to or required for the operation of the office,  
25 agency, or department shall be null and void.

26 \* \* \*

27 §412. Ex officio notaries; nonresident persons licensed to practice law with offices  
28 in this state

1           A. A person licensed to practice law in this state who is not a resident of this  
 2 state but who maintains an office for the practice of law in this state, shall be a  
 3 notary public ex officio and is authorized and empowered to exercise all the powers  
 4 and functions of a regularly commissioned civil law notary public or notary public  
 5 in this state in any parish or parishes in which he maintains an office open to the  
 6 public for the practice of law, upon filing a certificate of good standing from the  
 7 Louisiana Supreme Court with the secretary of state.

8           B. No person qualified under this Section shall be required to otherwise  
 9 qualify for, or hold, a regular commission as civil law notary public or notary public  
 10 to exercise such powers; however, the notary public ex officio shall furnish his  
 11 current office address and residence address to the secretary of state as the registrar  
 12 of notaries for the state.

13                                           \*       \*       \*

14       §413. Ex officio notaries public for municipal or parish fire departments and fire  
 15 protection districts

16           A. Notwithstanding any provisions of the law relative to qualifications of  
 17 civil law notaries public or notaries public, any fire chief of a municipal or parish fire  
 18 department or fire protection district may designate no more than three employees  
 19 in his office and appoint them as ex officio notaries public.

20                                           \*       \*       \*

21       §414. Ex officio notaries public for Natchitoches Parish government

22           A. Notwithstanding any provisions of the law relative to qualifications of  
 23 civil law notary public or notaries public, the parish president of Natchitoches Parish  
 24 may designate no more than two employees in his office and appoint them as ex  
 25 officio notaries public.

26                                           \*       \*       \*

27       CHAPTER ~~9~~ 5. UNAUTHORIZED EXERCISE OF NOTARIAL POWERS

28       §601. Unlawful exercise of notarial powers; penalties



1 §327. Abandonment of safety deposit box

2 \* \* \*

3 B. If the safety deposit box rental is delinquent for six months, the bank after  
4 sixty days' notice by mail addressed to the lessee at his address as shown on the  
5 safety deposit box contract may, if the rent is not paid within the time specified in  
6 said notice, open the box in the presence of two employees of the bank and a civil  
7 law notary public who shall make an inventory of the contents of the box and place  
8 such contents in a sealed envelope or other container in the name of the lessee. The  
9 bank shall then send notice to the administrator of the Uniform Unclaimed Property  
10 Act of 1997 for publication as provided by R.S. 9:161 that the safety deposit box has  
11 been abandoned and that the bank is holding the listed contents thereof. Such notice  
12 shall include the lessee's name and last known address.

13 \* \* \*

14 §770. Abandonment of safety deposit box

15 \* \* \*

16 B. If the safety deposit box rental is delinquent for six months, the  
17 association after sixty days' notice by mail addressed to the lessee at his address as  
18 shown on the safety deposit box contract may, if the rent is not paid within the time  
19 specified in said notice, open the box in the presence of two employees of the  
20 association and a civil law notary public who shall make an inventory of the contents  
21 of the box and place such contents in a sealed envelope or other container in the  
22 name of the lessee. The association shall then send notice to the administrator of the  
23 Uniform Unclaimed Property Act of 1997 for publication as provided by R.S. 9:161  
24 that the safety deposit box has been abandoned and that the bank is holding the listed  
25 contents thereof. Such notice shall include the lessee's name and last known address.

26 \* \* \*

27 Section 3. R.S. 9:51, 392(A)(introductory paragraph), 1423, 2928, 2946, 3506.1(A),  
28 (B), and (B), 5166(F), 5167(A)(1), 5167.1(A),(B)(1), and (H)(3), 5170(A)(2)(b), 5385(C),  
29 5557(C) are hereby amended and reenacted to read as follows:

1 §51. Civil rights and duties

2 Women have the same rights, authority, privileges, and immunities, and shall  
3 perform the same obligations and duties as men in the holding of office including the  
4 civil functions of tutor, under tutor, curator, under curator, administrator, executor,  
5 arbitrator, and civil law notary public.

6 \* \* \*

7 §392. Acknowledgment; requirements; content

8 A. Prior to the execution of an acknowledgment of paternity, the civil law  
9 notary shall apprise in writing and orally, which may include directing them to video  
10 or audio presentations, the mother and alleged father making the acknowledgment  
11 of the following:

12 \* \* \*

13 §1423. Fees of experts and appraisers

14 The fees allowed to experts, civil law notary publics and appraisers appointed  
15 to assist in taking inventories of successions, tutorships, interdictions, and other  
16 proceedings requiring the taking of inventories, shall be fixed by the court appointing  
17 such experts, civil law notary publics and appraisers, and shall be taxed as costs in  
18 those proceedings in which the taking of an inventory is required.

19 \* \* \*

20 §2928. Nonalienation certificate; penalty for violation

21 A. No civil law notary public or sheriff of the Parish of Orleans shall pass  
22 any act conveying real property located in the Parish of Orleans without first  
23 obtaining from the register of conveyances a certificate showing that the vendor has  
24 not alienated the property. The certificate shall contain a description of the property  
25 and shall be annexed to the act.

26 B. Any civil law notary public or sheriff of the Parish of Orleans who  
27 violates this Section shall be fined not less than two hundred and fifty dollars nor  
28 more than five hundred dollars.

29 \* \* \*

1 §2946. Unlawful to require mortgage notes when property encumbered; act of sale

2 It shall be unlawful for any seller in a bond for deed contract to require  
3 promissory notes to represent the purchase price or any portion thereof, if the  
4 property should be encumbered with a mortgage or privilege. Upon the payment to  
5 the escrow agent of the sum necessary to release the property, the seller shall execute  
6 a deed to the buyer and may then exact one or more mortgage notes to represent any  
7 portion of the unpaid purchase price. Should the property not be encumbered with  
8 a mortgage or privilege, and a note has been executed to represent all or a part of the  
9 price under the bond for deed contract, when the buyer shall become entitled to  
10 demand a deed, the seller shall execute an authentic sale and the civil law notary  
11 public passing it shall require the production of the note or notes and shall cancel  
12 them at the time of passing the sale.

13 §3506.1. Time for accrual of interest; penalties

14 A. Notwithstanding the provisions of R.S. 9:3506 or any other law to the  
15 contrary, interest on the principal obligation of a promissory note, evidencing a  
16 closed-end loan secured by a mortgage on immovable property, including any  
17 improvements thereon, shall not commence to accrue prior to the date upon which  
18 the loan proceeds have been made available for disbursement. In such case, when  
19 funds are to be disbursed to or for the account of a vendor, borrower, or purchaser,  
20 the lending institution shall make the loan proceeds available to the civil law notary  
21 public or licensed title company for disbursement at the time of execution of the act  
22 of sale or act of mortgage.

23 B. The provisions of Subsection A of this Section shall not apply (a) if the  
24 loan proceeds are paid or made available, as the case may be, in cash or by check,  
25 cashier's check, share draft, traveler's check, or money order issued by, or drawn on,  
26 a financial institution, the accounts of which are insured by an agency or  
27 instrumentality of the United States, and which has an office in this state from which  
28 payment shall be obtained, or (b) if the civil law notary public or licensed title  
29 company fails to comply with the lending institution's written closing instructions.

1 The provisions of Subsection A of this Section also shall not apply to open-end lines  
2 of credit, including without limitation, revolving loan accounts, subject to the  
3 Louisiana Consumer Credit Law.

4 \* \* \*

5 D. If a lending institution fails to comply with the provisions of Subsection  
6 A of this Section, the offending lending institution shall, upon written demand of the  
7 borrower, vendor, or purchaser, pay a penalty of one thousand dollars to the  
8 borrower, vendor, or purchaser. If a lending institution fails to comply with the  
9 provisions of this Subsection within thirty days after receipt of the written demand,  
10 the lending institution shall be liable for reasonable attorney fees for the prosecution  
11 of the borrower's, vendor's, or purchaser's claim, either amicably or in a judicial  
12 proceeding. In the event that a lending institution is liable for the payment of any  
13 penalties or attorney fees due to the failure of the civil law notary public or licensed  
14 title company to comply with the lending institution's written closing instructions,  
15 the civil law notary public or licensed title company shall be liable for any penalties  
16 or attorney fees which may be owed to the vendor, borrower, or purchaser.

17 \* \* \*

18 §5166. Cancellation of mortgage and vendor's lien inscriptions; uniform  
19 cancellation affidavit; requirements and effects

20 \* \* \*

21 F. A uniform cancellation affidavit shall satisfy the requirements of this  
22 Section if it provides all the information set forth in the following form:

23 UNIFORM CANCELLATION AFFIDAVIT  
24 (FOR MORTGAGES AND VENDOR'S LIENS)

25 STATE OF \_\_\_\_\_

26 PARISH OF \_\_\_\_\_

27 BE IT KNOWN THAT before me, the undersigned Notary Public, appeared:

1 (Name)\_\_\_\_\_ (Corporate Title and Name of Entity if  
2 Applicable)\_\_\_\_\_, its duly authorized agent hereinafter referred to as affiant, who  
3 after first being sworn declares that affiant is:

4 CHECK ONE BOX ONLY:

5  *A civil law notary public requesting cancellation under R.S. 9:5167(A)(1), herein*  
6 *declaring that affiant or someone under his direction did satisfy the promissory note,*  
7 *and that the affiant or someone under his direction (1) received the note marked*  
8 *"Paid in Full" from the last holder of the note, and that the note was lost or destroyed*  
9 *while in the affiant's custody; or (2) has confirmed that the last holder of the*  
10 *paraphed note received payment in full and sent the note but the note was never*  
11 *received, and that the affiant has made a due and diligent search for the note, the note*  
12 *cannot be located, and sixty days have elapsed since payment or satisfaction of the*  
13 *note.*

14  *A duly authorized officer of a Louisiana licensed title insurer as defined in R.S.*  
15 *22:46 of the Louisiana Insurance Code, requesting cancellation under R.S.*  
16 *9:5167(B)(1), herein declaring that all obligations secured by the mortgage or*  
17 *vendor's privilege have been satisfied, and that affiant has made a due and diligent*  
18 *search for the lost or destroyed instrument which was sufficient to cause a*  
19 *cancellation of the mortgage or vendor's privilege, that the lost or destroyed*  
20 *instrument cannot be located, and that sixty days have elapsed since payment or*  
21 *satisfaction of the secured obligation.*

22  *An authorized officer of a title insurance business, the closing civil law notary*  
23 *public, or the attorney for the person or entity which made the payment requesting*  
24 *cancellation under R.S. 9:5167.1, herein declaring on behalf of the mortgagor or an*  
25 *owner of the property encumbered by the mortgage that the mortgagee provided a*  
26 *payoff statement with respect to the loan secured by the mortgage and that the*  
27 *mortgagee has received payment of the loan secured by the mortgage in accordance*  
28 *with the payoff statement, as evidenced by (1) a bank check, certified check, or*  
29 *escrow account check which has been negotiated by or on behalf of the mortgagee,*

1 or (2) other documentary evidence of the receipt of payment by the mortgagee,  
2 including but not limited to verification that the funds were wired to the mortgagee,  
3 that more than sixty days have elapsed since the date payment was received by the  
4 mortgagee and that the mortgagee has not returned documentary authorization for  
5 cancellation of the mortgage; and that the mortgagee has been given at least fifteen  
6 days notice in writing of the intention to execute and record an affidavit in  
7 accordance with R.S. 9:5167.1, with a copy of the proposed affidavit attached to the  
8 written notice. *Affiant declares that he has attached all evidence required by law.*

9  *An obligee of record requesting cancellation under R.S. 9:5168, herein declaring*  
10 *that affiant is the obligee of record of the mortgage or vendor's privilege securing a*  
11 *paraphed promissory note and that the note has been lost or destroyed and cannot be*  
12 *presented; that the note is paid, forgiven, or otherwise satisfied; and that affiant has*  
13 *not sold, transferred, or assigned the note to any other person or entity. If affiant is*  
14 *not the Original Obligee of Record, but an Obligee of Record by recorded*  
15 *Assignment of the inscription to be cancelled, a list of recorded assignments is*  
16 *attached.*

17  *An obligee of record requesting release under R.S. 9:5169, declaring that affiant*  
18 *is herein acknowledging the satisfaction, releasing or acknowledging the extinction*  
19 *of the mortgage or privilege. If affiant is not the Original Obligee of Record, but an*  
20 *Obligee of Record by recorded Assignment of the inscription to be cancelled, affiant*  
21 *has attached a list of recorded assignments. JUDGMENTS OR LEGAL*  
22 *MORTGAGES MAY NOT BE CANCELLED USING THIS FORM.*

23  *An affiant requesting cancellation under R.S. 9:5170, herein declaring that he is*  
24 *attaching herewith*

25 \_\_\_\_\_ *The paraphed obligation marked "PAID" or "CANCELLED"; or*  
26 \_\_\_\_\_ *An authentic act of release conforming to the requirements of R.S.*  
27 *9:5170(A)(2).*

28  *A duly authorized officer of a Licensed Financial Institution under R.S. 9:5172,*  
29 *herein declaring that the institution was the obligee or the authorized agent of the*

1 obligee of the obligation secured by the mortgage or privilege when the obligation  
2 was extinguished and that the secured obligation has been paid or otherwise satisfied  
3 or extinguished; or that the institution is the obligee or authorized agent of the  
4 obligee of the secured obligation and that it releases the mortgage or privilege and  
5 directs the recorder to cancel its recordation.

6 AFFIANT HEREBY EXPRESSLY REQUESTS, AUTHORIZES, AND  
7 DIRECTS, in accordance with the provisions of the applicable statute indicated by  
8 the checked box above and in accordance with the provisions of Civil Code Article  
9 3366, that the Clerk of Court and ex officio Recorder of Mortgages for the Parish of  
10 \_\_\_\_\_ to  FULLY CANCEL, or  PARTIALLY CANCEL  
11 the following:

12 A mortgage or Vendor's privilege:

13 Granted/Made by: \_\_\_\_\_

14 In favor of: \_\_\_\_\_

15 Instrument dated \_\_\_\_\_ Recorded in \_\_\_\_\_ Parish;

16 Recorded in MOB \_\_\_\_\_ FOLIO \_\_\_\_\_, INSTRUMENT NO.  
17 \_\_\_\_\_;

18 [LEGAL DESCRIPTION OF PROPERTY: SEE ATTACHMENT HERETO MADE  
19 A PART HEREOF.]

20 AFFIANT DECLARES that he has attached property descriptions as required  
21 by law, and that he is aware that if no property description is attached, this Affidavit  
22 will be rejected.

23 AFFIANT FURTHER DECLARES that if this Affidavit is intended to cancel  
24 related inscriptions, such as assignments or subordinations, in a parish where the  
25 clerk allows such cancellations, he has attached a separate list of related inscriptions.

26 AFFIANT WARRANTS that affiant has complied with all requirements of  
27 applicable law, including full or partial discharge of the obligation where the law  
28 requires.

1 AFFIANT AGREES to be liable to and to indemnify the Clerk of Court as  
2 ex officio recorder of mortgages and any person relying upon the cancellation by this  
3 affidavit for any claims or damages suffered as a consequence of such reliance if this  
4 affidavit contains materially false or incorrect statements.

5 AFFIANT ACKNOWLEDGES BY HIS SIGNATURE BELOW that the  
6 contents of this affidavit are true and correct to the best of his knowledge,  
7 information, and belief, and further that he is aware that knowingly preparing,  
8 signing, or filing a uniform cancellation affidavit containing materially false or  
9 incorrect statements shall subject the affiant to civil and criminal liability under  
10 Louisiana law, including the provisions of R.S. 9:5174, R.S. 14:125, and R.S.  
11 14:133.

12 Affiant's Signature: \_\_\_\_\_ Printed Name: \_\_\_\_\_

13 Company Name: \_\_\_\_\_ Title: \_\_\_\_\_

14 (Its duly authorized agent)

15 Mailing Address: \_\_\_\_\_

16 City: \_\_\_\_\_ State : \_\_\_\_\_ ZIP:

17 \_\_\_\_\_

18 Telephone #: \_\_\_\_\_ Email: \_\_\_\_\_

19 SWORN TO AND SUBSCRIBED before me this \_\_\_\_\_ day  
20 of \_\_\_\_\_, 20 \_\_\_\_\_.

21 Notary Signature and Seal:

22 Printed Name of Notary: \_\_\_\_\_

23 State of Appointment : \_\_\_\_\_

24 Notary or Bar No.: \_\_\_\_\_

25 Commission expires: \_\_\_\_\_

26 FILER: Fill out below if filer is NOT the affiant:

27 REQUEST TO CANCEL

28 In accordance with the provisions of Civil Code Article 3366, the  
29 undersigned filer requests the Clerk of Court and ex officio Recorder of Mortgages

1 to file this Uniform Cancellation Affidavit and hereby requests the cancellation  
2 referenced therein.

3 Signature: \_\_\_\_\_

4 Printed Name: \_\_\_\_\_

5 Company: \_\_\_\_\_

6 Title: \_\_\_\_\_ (Its duly authorized agent)

7 Mailing Address: \_\_\_\_\_

8 City: \_\_\_\_\_ State : \_\_\_\_\_ ZIP: \_\_\_\_\_

9 Telephone #: \_\_\_\_\_ Email: \_\_\_\_\_

10 §5167. Cancellation of mortgage or vendor's privilege by affidavit of notary or title  
11 insurer where paraphed note or other evidence is lost or destroyed

12 A.(1) When a promissory note paraphed for identification with a mortgage  
13 or act creating a vendor's privilege on immovable property has been lost or destroyed  
14 after receipt by the civil law notary public who satisfied the promissory note out of  
15 the proceeds of an act of sale or mortgage executed before him, or with funds given  
16 to him for that purpose, the clerk of court or recorder of mortgages may cancel the  
17 mortgage or vendor's privilege upon receipt of an affidavit from the civil law notary  
18 public. The affidavit shall set forth all of the following:

19 \* \* \*

20 §5167.1. Cancellation of mortgage inscription by affidavit; penalties

21 A. A mortgagee shall execute and deliver sufficient acceptable  
22 documentation, as required by the clerk of court and ex officio recorder of  
23 mortgages for the cancellation of a mortgage, to the mortgagor or the mortgagor's  
24 designated agent within sixty days after the date of receipt of full payment of the  
25 balance owed on the debt secured by the mortgage in accordance with a payoff  
26 statement. The payoff statement shall be furnished by the mortgagee or its mortgage  
27 servicer. If the mortgagee fails to execute and deliver acceptable documentation, an  
28 authorized officer of a title insurance business, the closing civil law notary public,  
29 or the civil law notary public for the person or entity which made the payment may,

1 on behalf of the mortgagor or an owner of the property encumbered by the mortgage,  
2 execute an affidavit that complies with the requirements of this Section and record  
3 the affidavit in the mortgage records of each parish in which the mortgage was  
4 recorded.

5 B. An affidavit executed under this Section shall state that:

6 (1) The affiant is an authorized officer of a title insurance business, the  
7 closing civil law notary public, or the attorney for the person or entity which made  
8 the payment.

9 \* \* \*

10 H. As used in this Section:

11 \* \* \*

12 (3) "Closing civil law notary public" is the duly commissioned civil law  
13 notary public who executes the required documents or performs notarial functions  
14 at the closing.

15 \* \* \*

16 §5170. Cancellation of mortgages and privileges securing paraphed obligations

17 A. If a mortgage or privilege secures a note or other written obligation  
18 paraphed for identification with it, there shall be attached to the request for  
19 cancellation:

20 \* \* \*

21 (2) An authentic act describing the paraphed obligation with sufficient  
22 particularity to reasonably identify it as the one paraphed for identification with the  
23 act of mortgage or privilege and containing:

24 \* \* \*

25 (b) A declaration by the civil law notary public that the appearer presented  
26 him with the paraphed obligation and that he paraphed it for identification with his  
27 act.

28 \* \* \*

1 §5385. Satisfaction of mortgage; production of promissory note or release for  
2 cancellation; liability

3 \* \* \*

4 C. For purposes of this Section, "person" shall include the mortgagor acting  
5 in his own behalf, or a civil law notary public or any person, firm, or corporation  
6 acting in place of or on behalf of the mortgagor.

7 §5557. Obligation to grant release of mortgage

8 \* \* \*

9 C. This Section does not apply to a mortgage insofar as it secures payment  
10 of a note or other instrument paraphed for identification with the act of mortgage by  
11 the civil law notary before whom it is executed.

12 Section 4. R.S. 12:254(C) and (D) are hereby amended and reenacted to read as  
13 follows:

14 §254. Dissolution proceedings under judicial supervision; procedure; powers of  
15 liquidator

16 \* \* \*

17 C. A judicial liquidator in dissolution proceedings shall have full authority  
18 to retain counsel and auditors, and to prosecute and defend actions; shall have  
19 authority to compromise, compound and settle claims by or against the corporation  
20 upon such terms as he deems best, subject to supervision by the court; and shall have  
21 such other powers as the court may in its discretion grant, which, without limiting  
22 the scope of the court's discretion, may include any or all powers enumerated in R.S.  
23 12:253(C). A judicial liquidator shall have no power or right to have an inventory  
24 of the corporation's assets made by a civil law notary public or a notary public.

25 D. The court may enter such injunctive and other orders, ex parte or on such  
26 notice as the court may prescribe, as it may deem appropriate, except that the court  
27 shall not order or permit the making of an inventory of the corporation's assets by a  
28 civil law notary public or a notary public.

1 Section 5. R.S. 13:2488.27(B), 2586.2, 3672, 4102(D), 5085(D) are hereby amended  
2 and reenacted to read as follows:

3 §2488.27. Judge

4 \* \* \*

5 B. The judge shall hold no other public office except that of civil law notary  
6 public, notary public<sub>2</sub> or membership in the reserve defense establishment. The  
7 judge shall not be a public officer, official, or employee nor shall he hold any public  
8 or political office or be an officer, official, employee or member of any political  
9 organization, committee, or factional group. The salary of the judge payable by the  
10 city shall be as fixed by the city council until changed by the council, by ordinance.  
11 No fee basis compensation shall be established by the council.

12 \* \* \*

13 §2586.2. Notary bond; examination; exception

14 A justice of the peace acting as an ex officio notary public as provided in R.S.  
15 13:2586.1 is not required to post a bond or to pass the examination required by R.S.  
16 35:191, unless he attempts to qualify as a civil law notary public with full authority  
17 pursuant to R.S. 35:1 et seq.

18 \* \* \*

19 §3672. Court shall not require notary to produce original act, unless signature  
20 thereon at issue

21 A court shall not require a civil law notary public or a notary public to  
22 produce an original act passed before him, in response to a subpoena duces tecum,  
23 unless the genuineness of a signature thereon is at issue.

24 \* \* \*

25 §4102. Executory process; bearer paper, movable or immovable property, authentic  
26 evidence; certification of documents

27 \* \* \*

28 D.(1) Whenever the law requires a certified copy of any document, including  
29 a photographic, photostatic, or miniature photographic copy or reproduction of such

1 document, for purposes of executory process, a civil law notary public who has the  
2 original or a copy of such document on file in his office, custodian of notarial  
3 records, or clerk of court shall note on the copy of the document that it is a correct  
4 copy and may include words such as "certified copy", "true copy", or any other  
5 words which reasonably indicate that the copy of the document is a certified copy,  
6 and the copy so certified shall be deemed authentic evidence.

7 (2) A document containing a certificate reading substantially as follows shall  
8 satisfy the requirements of (1) above and shall be deemed authentic:

9 "STATE OF LOUISIANA \_\_\_\_\_, Louisiana  
10 PARISH OF \_\_\_\_\_, (Date)

11 I, \_\_\_\_\_, (Custodian of Notarial Records, Clerk of  
12 Court, Civil Law Notary Public) for the Parish of \_\_\_\_\_, State  
13 of Louisiana, do hereby certify that the attached documents are true and correct  
14 copies of \_\_\_\_\_, dated the \_\_\_\_ day of  
15 \_\_\_\_\_, 19 \_\_\_\_, consisting of \_\_\_\_ pages (executed  
16 before, attached to \_\_\_\_\_ executed before)  
17 \_\_\_\_\_, a Civil Law Notary Public of the Parish  
18 of \_\_\_\_\_, State of Louisiana, the original or certified copy of  
19 which document(s) is on file in my office.

20 Name \_\_\_\_\_  
21 Title \_\_\_\_\_  
22 Address" \_\_\_\_\_

23 \* \* \*

24 §5085. Special commissioners; appointment; powers; oath; compensation

25 \* \* \*

26 D. The compensation of such commissioner shall be his actual expenses in  
27 traveling and such fees as are allowed a civil law notary public in taking depositions,  
28 to be taxed up as costs and connected in the same manner as now provided by law  
29 for district clerks in civil cases.

1 Section 6. R.S. 15:302(3)(d) is hereby amended and reenacted to read as follows:

2 §302. Sentences to prison districts; persons excluded

3 Whenever prison districts have been established the rules of sentencing set  
4 forth below shall be followed:

5 \* \* \*

6 (3) The following persons shall not be imprisoned in any prison district:

7 (d) Notaries public and civil law notaries public who are defaulters.

8 \* \* \*

9 Section 7. R.S. 29:370 is hereby amended and reenacted to read as follows:

10 §370. Inventory

11 The court may, at its discretion, require the person seeking appointment to  
12 make a true and correct inventory and appraisal of the claim to be made. The  
13 fee of the civil law notary public taking the inventory is fixed at a sum not to exceed  
14 five dollars and the fee of the appraisers at a sum not to exceed four dollars for the  
15 two appraisers.

16 Section 8. R.S. 33:2740.63(B) and 5052 are hereby amended and reenacted to read  
17 as follows:

18 §2740.63. Documentary transaction tax; parish of Livingston

19 \* \* \*

20 B. The tax shall not be due and collectible unless and until the instrument,  
21 act, writing, or document is recorded in the conveyance records of the parish. The  
22 tax shall be paid by the buyer or transferee of immovable property in the case of an  
23 act of sale, donation, or other transfer of immovable property, and the tax shall be  
24 collected and remitted to the governing authority of the parish by each such person  
25 or his designee. Such buyer or transferee shall be designated the taxpayer. The  
26 taxpayer may delegate the function of remitting and paying the tax to the civil law  
27 notary public or the attorney handling the transaction; however, the taxpayer shall  
28 remain liable for the tax to the parish.

29 \* \* \*

30 §5052. Enforcement of requirements

1 All clerks and ex-officio recorders and civil law notaries public and notaries  
2 public in all the parishes, the parish of Orleans excepted, shall refuse to place on  
3 record any deeds of sale of property to which R.S. 33:5051 applies until the  
4 provisions of R.S. 33:5051 have been complied with. They shall report to the district  
5 attorney all violations thereof coming within their knowledge.

6 Section 9. R.S. 39:342 is hereby amended and reenacted to read as follows:

7 §342. Execution and recordation of notary bond; filing of certificate of competency

8 The bond required of civil law notaries public by R.S. 35:191 and of notaries  
9 public by R.S. 35:304 shall be executed before the clerk of court and ex officio  
10 recorder of mortgages for the parish where the notary will exercise the functions of  
11 his office and, together with the certificate of competency provided for by law, shall  
12 be filed in the office of the commissioner of administration. The bond shall be  
13 subscribed in favor of the governor, approved by the clerk, and if secured by  
14 personal surety, recorded in the mortgage office of the parish where the notary will  
15 exercise his functions, in a special book kept for that purpose.

16 Section 10. R.S. 42:66(A)(1), and 282 are hereby amended and reenacted to read as  
17 follows:

18 §66. Exemptions

19 A. Nothing in this Part shall be construed to prohibit any of the following  
20 classes of officials or employees from serving in other offices or employments:

21 (1) Notaries public and civil law notaries public.

22 \* \* \*

23 §282. Record of monies received; penalty for violation

24 A. All public officers except civil law notaries public, shall keep a full and  
25 complete record of all monies received by them for account of the state or its  
26 subdivisions or as fees for services rendered.

27 B. Whoever violates the provisions of this Section shall be fined, for the first  
28 offense, not less than twenty-five dollars nor more than fifty dollars, and for each  
29 subsequent offense not less than one hundred dollars nor more than five hundred  
30 dollars or imprisoned for not less than thirty days nor more than ninety days.

1 Section 11. R.S. 51:143 is hereby amended and reenacted to read as follows:

2 §143. Discovery; application for order; notice

3 The Attorney General or district attorney acting under him, or the governor,  
4 before beginning an action under this Part may present to the court a written  
5 application for an order directing any person, as the Attorney General or district  
6 attorney requires, to appear before any judge, clerk of court, or civil law notary  
7 public designated in the order, and answer relevant and material questions put to  
8 them concerning any illegal contract, combination, or conspiracy in restraint of trade  
9 or commerce, or to create a monopoly under this Part, and if it appears to the court  
10 to which the application is made that an order is necessary or expedient, the order  
11 shall be granted. The order shall be granted without notice, but if notice is required  
12 by the court to which the application is made, an order to show cause why the  
13 application shall not be granted shall be made and shall contain a temporary  
14 restraining order that appears proper to the court, and specifies the time and the place  
15 the witnesses are required to appear.

16 Section 12. Civil Code Articles 1345, 1833 through 1836, and 3325(B) are hereby  
17 amended and reenacted to read as follows:

18 Art. 1345. Reference to recorder or notary for continuation of proceedings.

19 When the judge has ordered the partition, and regulated the manner in which  
20 it shall be made, as well as the collations, if the case require it, he shall refer the  
21 parties to the recorder of the parish or a civil law notary appointed by him to  
22 continue the judicial partition to be made between them.

23 \* \* \*

24 Art. 1833. Authentic act

25 A. An authentic act is a writing executed before a civil law notary public or  
26 other officer authorized to perform that function, in the presence of two witnesses,  
27 and signed by each party who executed it, by each witness, and by each civil law  
28 notary public before whom it was executed. The typed or hand-printed name of each  
29 person shall be placed in a legible form immediately beneath the signature of each  
30 person signing the act.

1           B. To be an authentic act, the writing need not be executed at one time or  
 2 place, or before the same civil law notary public or in the presence of the same  
 3 witnesses, provided that each party who executes it does so before a civil law notary  
 4 public or other officer authorized to perform that function, and in the presence of two  
 5 witnesses and each party, each witness, and each civil law notary public signs it. The  
 6 failure to include the typed or hand-printed name of each person signing the act shall  
 7 not affect the validity or authenticity of the act. An act executed before a notary  
 8 public shall not be deemed to be an authentic act constituting full proof of the  
 9 agreement as provided by Article 1835 and shall not be self-authenticating for  
 10 purposes of admissibility pursuant to Code of Evidence Article 902 or other  
 11 applicable law.

12           C. If a party is unable or does not know how to sign his name, the civil law  
 13 notary public must cause him to affix his mark to the writing.

14 Art. 1834. Act that fails to be authentic

15           An act executed before a notary public or that fails to be authentic because  
 16 of the lack of competence or capacity of the civil law notary public, or because of a  
 17 defect of form, may still be valid as an act under private signature.

18 Art. 1835. Authentic act constitutes full proof between parties and heirs

19           An authentic act executed by a civil law notary public constitutes full proof  
 20 of the agreement it contains, as against the parties, their heirs, and successors by  
 21 universal or particular title.

22 Art. 1836. Act under private signature duly acknowledged

23           An act under private signature is regarded prima facie as the true and genuine  
 24 act of a party executing it when his signature has been acknowledged before a civil  
 25 law notary public, and the act shall be admitted in evidence without further proof.

26           An act under private signature may be acknowledged by a party to that act  
 27 by recognizing the signature as his own before a court, or before a civil law notary  
 28 public, or other officer authorized to perform that function, in the presence of two  
 29 witnesses. An act under private signature may be acknowledged also in any other  
 30 manner authorized by law, but an act acknowledged before a notary public shall not



1           The clerk of a district court is ex officio a notary; and, as such, may  
2 administer oaths and exercise all of the other functions, powers, and authority of a  
3 civil law notary public.

4                                           \*       \*       \*

5 Art. 1701. Preliminary default

6                                           \*       \*       \*

7           B. When a defendant in an action for divorce under Civil Code Article  
8 103(1), by sworn affidavit, acknowledges receipt of a certified copy of the petition  
9 and waives formal citation, service of process, all legal delays, notice of trial, and  
10 appearance at trial, a preliminary default may be entered against the defendant the  
11 day on which the affidavit is filed. The affidavit of the defendant may be prepared  
12 or notarized by any civil law notary public. The preliminary default may be obtained  
13 by oral motion in open court or by written motion mailed to the court, either of  
14 which shall be entered in the minutes of the court, but the preliminary default shall  
15 consist merely of an entry in the minutes. Notice of the entry of the preliminary  
16 default is not required.

17                                           \*       \*       \*

18 Art. 2636. Authentic evidence

19           The following documentary evidence shall be deemed to be authentic for  
20 purposes of executory process:

21           (1) The note, bond, or other instrument evidencing the obligation secured by  
22 the mortgage, security agreement, or privilege, paraphed for identification with the  
23 act of mortgage or privilege by the civil law notary public or other officer before  
24 whom it is executed, with the exception that a paraph is not necessary in connection  
25 with a note secured by a security agreement subject to Chapter 9 of the Uniform  
26 Commercial Code or a copy of the note, bond, or other instrument evidencing the  
27 obligation certified as such by the civil law notary public before whom the act of  
28 mortgage, security agreement, or privilege was executed.

29                                           \*       \*       \*



1 The witnesses and appraisers need not be residents of the parish where the inventory  
2 is taken.

3 The taking of the inventory may be attended by any person interested in the  
4 estate to be administered, or by his attorney; and when timely requested to do so, the  
5 civil law notary public shall give such person, or his attorney, notice by ordinary  
6 mail of the time and place thereof.

7 Art. 3133. Proces verbal of inventory

8 The public inventory shall be evidenced by the ~~notary's~~ civil law notary  
9 public's proces verbal of the proceedings, subscribed by him, and signed by the  
10 appraisers, witnesses, and other persons who have attended. This proces verbal shall  
11 contain:

12 (1) The names, surnames, domiciles, and qualities of the civil law notary  
13 public taking the inventory, of the witnesses thereto, of the appraisers who have  
14 valued the property, and of any other interested persons who have attended;

15 \* \* \*

16 Art. 3134. Return of proces verbal of inventory

17 The civil law notary public who took the inventory, or the party at whose  
18 instance it was taken, shall make duplicate copies of the proces verbal, the original  
19 proces verbal shall be returned into the court which ordered it taken, immediately  
20 upon its completion and signing. The duplicate copy shall be certified and filed with  
21 the collector of revenue. A certified copy of the proces verbal of any inventory taken  
22 in Orleans Parish may be returned in the same manner, and with the same effect as  
23 the original.

24 Art. 3135. Proces verbal of inventory prima facie proof; traverse

25 The proces verbal of a public inventory returned into court as provided in  
26 Article 3134 shall be accepted as prima facie proof of all matters shown therein,  
27 without homologation by the court.

28 An interested person at any time may traverse the proces verbal of a public  
29 inventory by contradictory motion served upon the civil law notary public and the  
30 person at whose instance the inventory was made.

1           If a descriptive list is amended or successfully traversed a copy of the  
2 amended or traversed proces verbal shall be filed with the Collector of Revenue.

3                                           \*       \*       \*

4 Art. 4101. Inventory and appraisalment or descriptive list

5           B. If an inventory is ordered, it shall be begun not later than ten days after  
6 the order is signed. The court shall appoint a civil law notary public of each parish  
7 in which property of the minor has a situs to take the inventory of such property in  
8 that parish.

9                                           \*       \*       \*

10 Art. 4605. Preference; appointment of notary; discretion of court

11           A partition proceeding shall be tried with preference over other ordinary  
12 proceedings.

13           After the trial of the proceeding, if the court finds that the plaintiff is entitled  
14 to a partition of the property, the court shall appoint a civil law notary public to make  
15 the partition in accordance with law.

16           Except as otherwise provided in Article 4606, the court has discretion to  
17 direct the manner and conditions of effecting the partition, so that it will be most  
18 advantageous and convenient to the parties.

19                                           \*       \*       \*

20 Art. 4608. Controversy before notary effecting partition

21           If there should be any controversy between the parties in the course of the  
22 proceedings before the civil law notary public effecting the partition, he shall record  
23 the objections and declarations of the parties in his proces verbal. Unless otherwise  
24 ordered by the court, such objections shall not suspend the proceedings before the  
25 civil law notary public, but any party may present his objections to the court in his  
26 opposition to the homologation of the partition.

27 Art. 4609. Homologation of partition

28           When the partition has been completed by the civil law notary public, he shall  
29 file his proces verbal of the partition, or a copy thereof, in the court which ordered

1 the partition. Any party may rule all other parties into court to show cause why the  
2 partition should not be homologated or rejected.

3 \* \* \*

4 Art. 4611. Supplementary partition when rule to reject or opposition to  
5 homologation sustained

6 When a rule to reject the partition, or an opposition to its homologation, is  
7 sustained in whole or in part, the court shall rectify the partition, or refer the parties  
8 to the same or another civil law notary public who shall prepare a supplementary act  
9 of partition in conformity with the order of the court.

10 Articles 4609 and 4610 apply to this supplementary partition.

11 \* \* \*

12 Art. 5185. Rights of party permitted to litigate without payment of costs

13 A. When an order of court permits a party to litigate without the payment of  
14 costs until this order is rescinded, he is entitled to:

15 (1) All services required by law of a sheriff, clerk of court, court reporter,  
16 civil law notary public, or other public officer in, or in connection with, the judicial  
17 proceeding, including but not limited to the filing of pleadings and exhibits, the  
18 issuance of certificates, the certification of copies of notarial acts and public records,  
19 the issuance and service of subpoenas and process, the taking and transcribing of  
20 testimony, and the preparation of a record of appeal;

21 \* \* \*

22 Section 14. Children's Code Article 1566(A) is hereby amended and  
23 reenacted to read as follows:

24 Art. 1566. Assistance; clerk of court; domestic abuse advocate

25 A. The clerk of court shall make forms available for making application for  
26 protective orders under this Chapter, provide clerical assistance to the petitioner  
27 when necessary, advise indigent applicants of the availability of filing in forma  
28 pauperis, provide the necessary forms, and provide the services of a civil law notary  
29 public, where available, for completion of the affidavit required in Article 1568. The

1 forms shall be prepared by the Judicial Administrator's Office, Louisiana Supreme  
2 Court.

3 \* \* \*

4 Section 15. The Louisiana State Law Institute is hereby directed to redesignate  
5 existing Chapter 8 of Title 35 of the Louisiana Revised Statutes of 1950, entitled  
6 "Acknowledgments", as Chapter 4 of Title 35, entitled "Acknowledgments".

7 Section 16. This Act shall become effective on January 1, 2019, and shall have  
8 prospective application only applying to acts passed or executed before a notary public or  
9 civil law notary public on or after January 1, 2019.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB Draft 2018 Regular Session Garofalo

**Abstract:** Renames the existing "notary public" as a "civil law notary public" and creates a new "notary public" with limited authority similar to existing notaries public in other states.

Present law

Proposed law

(Amends CITE)