

ACT No. 1207

Regular Session, 2003

SENATE BILL NO. 949

BY SENATOR SCHEDLER

AN ACT

To amend and reenact Civil Code Art. 1514 and to enact R.S. 9:1202 and Civil Code Art. 1493(E), relative to security for a surviving spouse; to provide for forms of security for legal usufruct of a surviving spouse; to provide relative to forced heirship; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:1202 is hereby enacted to read as follows:

§1202. Form of security for legal usufruct of surviving spouse

R.S. 9:1202 is all new law.

If security is owed to the naked owner by the usufructuary who is the surviving spouse, the court may order the execution of notes, mortgages, or other documents as it deems necessary, or may impose a mortgage or lien on either community or separate property, movable or immovable, as security.

Section 2. Civil Code Art. 1514 is hereby amended and reenacted and Civil Code Art. 1493(E) is hereby enacted to read as follows:

Art. 1493. Forced heirs; representation of forced heirs

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Article 1493(E) is all new law.

E. For purposes of this Article "permanently incapable of taking care of their persons or administering their estates at the time of the death of the decedent" shall include descendants who, at the time of

death of the decedent, have, according to medical documentation, an inherited, incurable disease or condition that may render them incapable of caring for their persons or administering their estates in the future.

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Art. 1514. Usufruct of surviving spouse affecting legitime; security

A forced heir may request security when a usufruct in favor of a surviving spouse affects his legitime and he is not a child of the surviving spouse. A forced heir may also request security to the extent that a surviving spouse's usufruct over the legitime affects separate property. **The court may order the execution of notes, mortgages, or other documents as it deems necessary, or may impose a mortgage or lien on either community or separate property, movable or immovable, as security.**

Section 3. The provisions of this Act are interpretive, procedural and remedial.

Section 4. The Louisiana State Law Institute is requested to write comments to all changes made by this Act.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____