

Civil Action No. _____

_____ JUDICIAL DISTRICT COURT IN AND FOR THE
PARISH OF _____, STATE OF LOUISIANA

VS.

* * *

PETITION FOR EXECUTORY PROCESS

The petition of _____, a banking corporation organized and existing under the laws of the State of Louisiana, having as its domicile the Parish of _____, State of Louisiana, respectfully represents:

1.

Defendant, _____, is indebted unto petitioner in the sum of _____ AND ___/100 (\$_____), plus accrued interest of _____ AND ___/100 (\$_____) DOLLARS, and late charges in the amount of _____ AND ___/100 (\$_____) DOLLARS, plus interest at the rate of _____ percent (___%) per annum from date until paid, and with an additional sum of _____percent (___%) attorney's fees on the aggregate amount of principal and interest due and owing if the said note was placed in the hands of an attorney for collection, and all costs of these proceedings, for the following reasons:

2.

The defendant, _____, on _____ ____, 20____, executed a Collateral Mortgage Note payable to the order of Bearer, in the amount of _____ and ___/100 (\$_____) Dollars, payable on demand, bearing interest at the rate of _____ (___%) percent per annum from date until paid, and with an additional sum of _____ percent (___%) attorney's fees on the aggregate amount of principal and interest due and owing if the said note was placed in the hands of an attorney for collection, which note is attached hereto, made a part hereof, and marked "P-1" for identification herewith.

3.

P-1 was paraphed "Ne Varietur" for identification with an Act of Collateral Mortgaged passed before _____, Notary Public, on the ___ day of _____, 20____.

4.

P-1 was secured by a Collateral Mortgage of the same date passed before the same Notary Public, alleging that _____ is indebted unto _____, in the full sum of _____ and ___/100 (\$_____) Dollars, with interest at the rate of _____ percent (___%) per annum from date until paid, and made payable on demand, which mortgage did affect and hypothecate in favor of petitioner, the following described property, to-wit:

That certain lot or parcel of ground located in Section ____, T____, R____, _____ Parish, measuring _____ feet front on _____, by a depth on the North side of _____ feet, on the South side _____ feet, on the West measuring _____ feet; and being bounded on the North and West by _____, East by _____, and South by _____, and being depicted and delineated as Lot ____ on Map of Survey made by _____, dated _____, _____.

5.

The original Collateral Mortgage is attached hereto and made a part hereof and marked "P-2" for identification herewith.

6.

The defendant, _____, on _____, 20____, executed a Pledge of Collateral Mortgage Note pledging P-1 and P-2 to secure any loans, advances and/or credits extended by plaintiff. Said Pledge of Collateral Mortgage Note is attached hereto and made a part hereof and marked AP-3" for identification herewith.

7.

The defendant, _____, on _____, 20____, executed a promissory note in the full sum of _____ and ___/100 (\$_____) Dollars, bearing interest at the rate of ___% per annum, and made payable on demand, or if no demand is made, in _____ payments of _____ and ___/100 (\$_____) Dollars, the first payment being due on _____, 20____, and each remaining installment due on the ___ day of each month thereafter. Said note is attached hereto and made a part hereof and marked "P-4" for identification herewith.

8.

Said Promissory Note mentioned above AP-4" dated _____, 20____, alleged that the defendant was indebted unto further holder or holders in the full sum of _____ and ___/100 (\$_____) Dollars, which agreement did affect and hypothecate in favor of petitioner and the future holder or holders of AP-4", the following described property, to-wit:

A _____, bearing VIN #_____.

9.

The defendant, _____, have been credited for all payments made on said promissory note marked "P-4".

10.

The defendant confessed judgment on the attached notes and consented to the seizure and sale of the mortgaged property under executory process if the note was not paid in accordance with its terms; waived the demand for payment prior to seizure; and further waived the benefits of appraisal of the property prior to judicial sale.

11.

The defendant did in the act of mortgage waive all homestead exemptions to which he may be entitled under the Constitution and laws of the State of Louisiana.

12.

Said note became in arrears on _____, 20____, when the installments due were not paid, whereupon the entire balance due on said note became due under the terms of the said note.

13.

Petitioner desires that the property be appraised prior to sale.

WHEREFORE, the premises and annexed documents considered, petitioner prays for an order of executory process herein, and after due delays that a writ of seizure and sale issue herein directing the Sheriff of the Parish of _____, Louisiana, to seize and sell after due advertisements, delays, requisites, and formalities, free and clear of all homestead rights and exemptions, the properties described in Paragraphs 4 and 8 according to law, for cash, with appraisal, to pay and satisfy the claim of petitioner, _____, against the defendant, _____, in the full sum of _____ AND ___/100 (\$_____) DOLLARS, plus accrued interest of _____ AND ___/100 (\$_____) DOLLARS, and late charges in the amount of _____ AND ___/100 (\$_____) DOLLARS, plus interest at the rate of ___% per annum from date until paid, and with an additional sum of _____ percent (___%) attorney's fees on the aggregate amount of principal and interest due and owing if the said note was placed in the hands of an attorney for collection, and all costs of these proceedings, and that petitioner be paid the amount of its claim by preference and priority over all other persons.

Petitioner further prays for all orders and decrees necessary in the premises.

_____, LA _____
(____)_____

BY: _____

ATTORNEY FOR PETITIONER

Please serve Defendant as follows:

_____, LA _____

The _____ may be located
at the same address.

STATE OF LOUISIANA

PARISH OF _____

AFFIDAVIT OF CORRECTNESS

BEFORE ME, the undersigned Notary Public, personally came and appeared _____, who, being by me first duly sworn, deposed and said:

1. He is the _____ of _____, and is duly qualified to make this affidavit; and

2. He is familiar with the proceedings entitled " _____ vs. _____," and that he has read the Petition for Executory Process, and that _____ is indebted to _____ in the amount of _____ AND ___/100 (\$_____) DOLLARS, plus accrued interest of _____ AND ___/100 (\$_____) DOLLARS, and late charges in the amount of _____ AND ___/100 (\$_____) DOLLARS, plus interest at the rate of ___% per annum from date until paid, and with an additional sum of _____ percent (___%) attorney's fees on the aggregate amount of principal and interest due and owing if the said note was placed in the hands of an attorney for collection, and all costs of these proceedings.

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20____, at _____, Louisiana.

NOTARY PUBLIC

Civil Action No. _____

_____ JUDICIAL DISTRICT COURT IN AND FOR THE
PARISH OF _____, STATE OF LOUISIANA

VS.

* * *

ORDER

The premises and documents and affidavit therein being considered, let an order of executory process issue as prayed for, and according to law.

ORDERED AND SIGNED in Chambers at _____, _____ Parish, Louisiana, on the _____ day of _____, 20____.

DISTRICT JUDGE

Civil Action No. _____

_____ JUDICIAL DISTRICT COURT IN AND FOR THE

PARISH OF _____, STATE OF LOUISIANA

VS.

* * *

REQUEST FOR STATUTORY NOTICE

TO: Honorable _____
Clerk of Court
_____ Parish Courthouse
_____, LA _____

Pursuant to Article 1572 of the Louisiana Code of Civil Procedure, we hereby request written notice of the date set for trial of the above numbered and entitled cause, or of any date set for trial of any pleadings or motions therein, at least ten (10) days in advance of any trial date.

We also request notice of the signing of any Judgment or of the rendition of any interlocutory order or Judgment in said cause as provided by Articles 1913 and 1914 of the Louisiana Code of Civil Procedure.

Respectfully Submitted:

Attorney at Law

_____ LA _____
(____)_____
La. Bar Roll No. _____