Civil Action No. \_\_\_\_\_ JUDICIAL DISTRICT COURT IN AND FOR THE PARISH OF \_\_\_\_\_, STATE OF LOUISIANA

<u>VS.</u>

#### 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:

l.

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.

P-l was paraphed "Ne Varietur" for identification with an Act of Collateral Mortgaged passed before \_\_\_\_\_\_, Notary Public, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_.

P-l 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 \_\_\_\_\_\_, 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 #\_\_\_\_\_\_.

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.

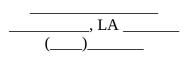
13.

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 appraisement, 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, 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.

\_\_\_\_\_



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:

- l. He is the \_\_\_\_\_ of \_\_\_\_\_, and is duly qualified to make this affidavit; and

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

NOTARY PUBLIC

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## <u>O R D E R</u>

The premises and documents and affidavit therein being considered, let an order of

executory process issue as prayed for, and according to law.

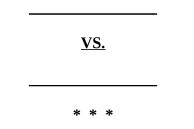
ORDERED AND SIGNED in Chambers at \_\_\_\_\_, \_\_\_\_ Parish, Louisiana, on the \_\_\_\_\_ day of \_\_\_\_\_\_, 20\_\_\_.

DISTRICT JUDGE

Civil Action No.

JUDICIAL DISTRICT COURT IN AND FOR THE

PARISH OF \_\_\_\_\_, STATE OF LOUISIANA



### **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. \_\_\_\_\_