

Civil Action No. _____

_____ JUDICIAL DISTRICT COURT IN AND FOR THE

PARISH OF _____, STATE OF LOUISIANA

VS.

AND

* * *

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.

Defendants, _____, _____, and _____, are indebted unto petitioner in the 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 _____ 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, _____, and _____, who is now deceased, 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 _____ and _____ are 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 of ground, together with all improvements located thereon, situated in the _____ Ward of _____ Parish, Louisiana, on the _____ side of _____, measuring _____ (___) feet on its North, South, East and West lines, and bounded, now or formerly, as follows: North by _____ or Lot ___ of the hereinafter referred to sketch, East by _____, South by _____, or Lot ___ of the hereinafter referred to sketch, and West by _____; and being designated as Lot ___ of a sketch which is attached to an Act of Partition recorded in Book ___, Folio ___, Entry Number ___ of the Conveyance Records of _____ Parish, Louisiana.

5.

A certified copy of the Collateral Mortgage is attached hereto and made a part hereof and marked "P-2" for identification herewith.

6.

The defendants, _____ and _____, on _____, 20__, executed a promissory note in the full sum of _____ and ___/100 (\$_____) Dollars, bearing interest at the rate of _____ percent (___%) per annum, and made payable on demand, or if no demand is made, in _____ payments of _____ and ___/100 (\$_____) Dollars, and an irregular payment estimated at _____ 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-3" for identification herewith.

7.

P-3 was secured by P-1 and P-2 previously described.

8.

The defendants, _____, _____ and _____, have been credited for all payments made on said promissory note marked "P-3".

9.

The defendants 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.

10.

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

11.

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.

12.

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 7 according to law, for cash, with appraisal, to pay and satisfy the claim of petitioner, _____, against the defendants, _____, _____ and _____, 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 _____ 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, 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 defendants as follows:

_____ and _____

and

_____ Louisiana _____

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 a _____ of _____ and is duly qualified to make this affidavit;

2. He is familiar with the proceedings entitled " _____ vs. _____, _____ and _____, _____ Parish, Louisiana," and that he has read the Petition for Executory Process, and that _____ and _____ are 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 _____ 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.

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.

AND

* * *

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