

[Note: Selection of the proper form and its use and modification to suit individual facts and circumstances requires careful review of all the language by the user.]

Form No. 16.1 Motion and Order for Appointment of Attorney to Represent Absent Defendant

Since this court has jurisdiction over the status involved in this action and because the defendant is an absentee who has not been served with process, and who _____, plaintiff is entitled to have an attorney at law appointed to represent the defendant.

Plaintiff certifies that all fees required by local rules for the court appointed attorney have been paid in advance.

* * *

WHEREFORE, plaintiff prays:

A. That an attorney at law be appointed to represent the defendant in this proceeding;

* * *

IT IS ORDERED that:

_____ is appointed to represent the absent defendant in this action and citation to the defendant shall be served on him.

Form No. 16.2 Petition for Notice of Application for Appointment as Curator of Absent Person

* * *

PETITION FOR NOTICE OF FILING OF PETITION FOR APPOINTMENT AS CURATOR

The petition of _____, who is domiciled in _____ Parish, respectfully represents:

1.

_____, is an absent person who was domiciled in this Parish at the time his absence commenced.

2.

Petitioner is interested in this matter for the following reasons. _____

3.

The notice requested by this petition should be sent to the following person at the mailing address set forth below:

WHEREFORE, petitioner prays that notice of the filing of a petition for appointment as curator of the absent person, _____, be mailed to petitioner at the address listed above.

Attorney for Petitioner

Form No. 16.3 Petition for Appointment of Curator for Absent Person

* * *

PETITION FOR APPOINTMENT OF CURATOR FOR ABSENT PERSON

The petition of _____ who is domiciled in _____ Parish, respectfully represents:

1.

_____, is an absent person who was domiciled in this Parish at the time his absence commenced. An affidavit establishing jurisdiction and relationship is attached to this petition.

2.

_____ was last seen on _____ and he has not been seen since. He has no representative in this state and his whereabouts are not known and cannot be ascertained by diligent effort.

3.

Petitioner is the spouse of the absent person and is thus given first priority in the appointment of a curator. Other persons eligible to be appointed as curator are listed in the affidavit attached to this petition.

4.

_____ owns immovable and movable property in this parish and it is necessary to appoint a person to make a detailed descriptive list of his property as required by law.

WHEREFORE, petitioner prays that:

A. The Court set a date and time for the hearing of this application for appointment;

B. Notice of this application for appointment be published according to law;

C. The Court order the filing of a detailed descriptive list of the property of the absent person; and

D. Petitioner be appointed and allowed to qualify as curator of the absent person after compliance with the requirements of law.

Form No. 16.4 Motion and Order to Stay Proceedings

MOTION AND ORDER TO STAY PROCEEDINGS

On motion of _____, through undersigned counsel, and on suggesting to the Court that:

1.

On _____, 20_____, mover filed a petition to be appointed curator for _____, in the _____ Judicial District Court, Parish of _____. A certified copy of this petition is attached to this motion as an exhibit.

2.

On _____, 20_____, a petition for appointment was filed in this Court by _____.

3.

Under LSA 13:3422 the court in which the petition was first filed has jurisdiction to determine the issues and the proceedings in this Court should be stayed.

IT IS ORDERED that _____ show cause on the _____ day of _____, 20_____, at _____ a.m. why all further proceedings in this matter should not be stayed.

ORDERED AND SIGNED, this _____ day of _____, 20_____, in _____, Louisiana.

Judge

* * *

ORDER TO STAY PROCEEDINGS

The rule to show cause why this matter should not be stayed was heard today. Present: _____, attorney for mover, and _____, attorney for defendant-in-rule. The court after hearing the evidence, determined that the petition in the _____ Judicial District Court, Parish of _____, was filed before the petition in this Court was filed:

IT IS ORDERED that all further proceedings in the above-entitled matter be stayed.

ORDERED AND SIGNED, this _____ day of _____, 20_____, in _____, Louisiana.

Judge

Form No. 16.7 Order Setting Hearing and Requiring Detailed Descriptive List

* * *

ORDER

Considering the allegations of the foregoing petition and the supporting affidavits:

IT IS ORDERED that:

A. _____ prepare and file a detailed descriptive list of all the property of the absent person as required by law.

B. Notice of the application of the petitioner for appointment as curator be published in accordance with law and a copy of this petition be mailed to those persons required by law to receive notice.

C. A hearing on the appointment of a curator for the absent person be held at _____ A.M. on the _____ day of _____, 20____.

ORDERED AND SIGNED, this _____ day of _____, 20____, in _____, Louisiana.

Judge

Form No. 16.8 Certified Letter to Relations

* * *

Dear _____:

Enclosed is a copy of a petition for the appointment of a curator for the absent person, _____. Any opposition to this application for appointment must be filed prior to the hearing set by the court in the order attached to the enclosed petition.

Sincerely,

Attorney at Law

Enclosure

Certified Mail No. _____

Return Receipt Requested

Form No. 16.10 Publication of Notice of Application

[INSERT CAPTION OF SUIT]

NOTICE IS GIVEN that _____ has filed a petition in the above entitled matter to be appointed curator of the absent person _____, and that a hearing on the application for appointment will be held on the _____ day of _____, 20____. An opposition to this application must be filed in this Court prior to the hearing.

Form No. 16.12 Opposition to Appointment as Curator

* * *

OPPOSITION

Now into court comes, _____, who is domiciled in _____ Parish, for the purpose of opposing the application of _____ for appointment as curator of _____.

1.

_____ is not an absent person, in that his whereabouts are known, and thus he does not need a curator appointed to administer his estate.

2.

Petitioner should not be appointed as curator because _____ appointed _____ as his representative to administer his estate in his absence.

3.

Petitioner should not be appointed as curator because _____ is deceased and thus it is necessary to open succession proceedings.

4.

Opponent is the spouse, not judicially separated, of the absent person and thus has a prior right to appointment over petitioner.

5.

Petitioner should not be appointed as curator because petitioner is disqualified as a matter of law for the following reason: _____.

WHEREFORE, opponent prays that:

- A. Petitioner's application for appointment be dismissed, at his costs.
- B. _____ be appointed as curator for the absent person.

Immovable property (list)

Movable property (list)

TOTAL VALUE OF PROPERTY _____

The following is a list of all debts and liabilities of the estate of the absent person, to the best of my knowledge and belief:

(List debts here)

TOTAL DEBTS \$ _____

RECAPITULATION

Total assets of the absent person.

Total debts of the absent person.

TOTAL NET ESTATE

Affiant

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

Notary Public

Form No. 16.14 Order Appointing Curator and Undercurator and Fixing Security

* * *

ORDER APPOINTING CURATOR

This matter was heard on _____, and the Court after considering the pleadings, the detailed descriptive list, the affidavits and certificates filed in this proceeding, and after finding that the law and evidence favors the appointment of a curator for the absent person:

IT IS ORDERED that:

A. _____ is appointed as the curator of the absent person, _____, and letters of curatorship are ordered issued to him after he has furnished security and taken the oath of office.

B. The security to be furnished by the curator in qualifying as curator of this absent person is fixed at the sum of _____, which the court considers sufficient for the protection of the absent person. The form of the security shall be _____.

C. _____ is appointed as undercurator of the absent person.

D. Costs of this proceeding are to be paid out of the estate of the absent person.

ORDERED AND SIGNED, this _____ day of _____, 20_____, in _____, Louisiana.

District Judge

Form No. 16.17 Letters of Curatorship

* * *

LETTERS OF CURATORSHIP

THIS CERTIFIES that _____ has been appointed curator of the absent person _____, by the _____ Judicial District Court for the Parish of _____, State of Louisiana, in the matter entitled "Curatorship of the Absent Person _____, " Docket No. _____; and that he has qualified for the office by complying with all of the requirements of law.

IN WITNESS WHEREOF, the Letters of Curatorship are issued in the name and under the seal of the _____ Judicial District Court for the Parish of _____, State of Louisiana, this _____ day of _____, 20____.

Deputy Clerk

[Seal]